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Assessing the reliability and accuracy of advocacy group data in hate group research

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Assessing the Reliability and Accuracy of Advocacy Group Data in Hate Group Research

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JAMES MADISON UNIVERSITY

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Preface

If the adage that “college teaches you *how* to think, not *what* to think” holds true, one would be hard-pressed to find a better test of this principle than the study of anti-racist advocacy groups. So much about the discussion of these advocacy groups and the alleged “hate groups” they purport to fight is heavily emotion- and value-laden, even within academia, where dispassionate objectivity in research is supposed to reign supreme. The result is that much of the data produced by these advocacy groups may lead the reader to predetermined conclusions, usually based on primal emotional reactions, which is also the primary mechanism behind classic propaganda.

Higher education requires us utilize the intellectual methods which we have learned to examine evidence critically so that we may come to reasoned conclusions based on the facts over personal bias.

My intent here is not to defend the words and actions of alleged “hate groups,” or at least not the content of such expression. My goal is to move beyond the emotional reflexivity that underlies much “hate group” research and to examine the fundamental structures behind it. What exactly is a “hate group”? Who are the “experts”? How accurate and reliable are the data produced by private advocacy groups, and how does the quality of those claims affect the academic research built around them?

Because so much advocacy group data does find its way into our civic discourse, our academic research, and ultimately into our political debates, I feel that it is imperative to take a “trust, but verify” approach when examining all such claims. There are too many important civil rights issues at stake to simply accept the information without proper vetting and review.

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Abstract

In the 1980s, the term “hate group” began to appear increasingly in American media reports, often referring to the Ku Klux Klan or various neo-Nazi activities. There is no legal definition of the term, as it is not illegal to belong to such organizations, and so the designation of hate groups generally falls to private advocacy groups that claim to track them, such as the Southern Poverty Law Center (SPLC) of Montgomery, Alabama. When the media or academic researchers require data on hate groups, they often turn to advocacy groups, usually due to a lack of other sources and because of the ease of access to the data and to perceived experts in the field.

This thesis will examine the hate group data produced by the Southern Poverty Law Center, analyzing its accuracy and reliability by examining the SPLC’s methodology and claims. I will also examine the SPLC’s reputation as a trusted source of information by reviewing the history of the organization, its rhetorical practices, and the public statements of several of its key officers. As any study or academic research is only as valid as the accuracy of the information upon which it is based, it is essential to evaluate accuracy of the source of the data.

Many of the SPLC’s rhetorical practices can be compared with the fearmongering and exploitation found in classic propaganda techniques and will be analyzed further in this paper. Instead of serving as an unbiased clearinghouse for hate group information, the SPLC often pursues an ideologically-driven course that is designed to influence a targeted, politically progressive audience.

Because this unvetted data is readily accepted by the media and researchers, and ultimately by lawmakers and law enforcement agencies, there may be serious First

Amendment issues involved. While this paper in no way condones or supports hateful ideologies, it is imperative to remember, as the American Civil Liberties Union notes, that “Constitutional rights must apply to even the most unpopular groups if they’re going to be preserved for everyone.”

Assessing Advocacy Group Data in Hate Group Research

Hate. The word itself is powerful simply sitting on the page. It is what rhetoricians, such as Richard Weaver, refer to as a *devil term*: a word or phrase that evokes visceral, negative reactions, such as disgust or anger (Pullman, 2013). Terms such as pedophile, fascist, un-American, and bully are other classic devil terms. Merriam-Webster defines *hate* as “intense hostility and aversion usually deriving from fear, anger or sense of injury,” or “extreme dislike or antipathy.” While the dictionary stresses intense or extreme hostility, American colloquial English can also employ the term for lesser, even trivial forms of dislike such as “I hate broccoli.” *Hate*, like its *god term* counterpart, *love*, is extremely evocative, and yet because the emotion each word produces are unique to each individual, it is difficult to define them broadly across the board. The ubiquitous terms mean different things to different people (Lee, 47).

In the second half of the 20th century, the term *hate group* began to appear in the media and academic journals with increasing regularity. Originally, the term was applied to violent groups, such as the modern Ku Klux Klan, racist skinheads, and neo-Nazis, whose underlying philosophies are built specifically on overt hatred of other races, religions and ethnicities, but over a relatively short period, starting in the late 1980s, the term was increasingly applied to groups with differing ideologies and no intent of violence whatsoever. Organizations, and even individuals, who oppose U.S. immigration policies on economic or political reasons, or those who oppose same-sex marriage for religious reasons are routinely lumped in with jack-booted thugs by their political opponents as a means of stigmatizing and delegitimizing them.

There is no fixed or universal definition for hate group. While the thought may be abhorrent to many, it is entirely legal under the First Amendment of the Constitution to don Nazi regalia or form a KKK Klavern, many of which are actually incorporated legal entities. Because these activities are protected, there is no legal definition by which to determine what constitutes a hate group. Often the designation is in the eye of the beholder, or, as the late U.S. Supreme Court Justice Potter Stewart famously stated of pornography, “I know it when I see it” (Lattman, 2007). While these informal methods may work well enough in private discourse, they are decidedly too imprecise for academic research or legal investigation, which often result in real world ramifications. This raises fundamental civil rights issues that affect every citizen. As notes the American Civil Liberties Union (ACLU), which has defended the rights of neo-Nazis and other reviled groups, “Constitutional rights must apply to even the most unpopular groups if they’re going to be preserved for everyone” (ACLU, n.d).

Given the lack of fixed definitions, the media and government agencies often turn to private advocacy organizations, which claim to “track” hate groups, for information on the size, distribution and potential threats posed by these groups.

The two largest advocacy groups in this field are the Southern Poverty Law Center (SPLC), of Montgomery, Alabama, and the Anti-Defamation League (ADL) headquartered in New York City. While both organizations produce reports and statistics on hate groups, this paper will focus on the work of the Southern Poverty Law Center, its institutional history and the public comments of its key personnel, as it is arguably the largest and most often cited advocacy group in the country today.

Much of the SPLC's reputation and authority stems from the decades of legal work the center has done on behalf of poor and disenfranchised populations, such as bringing law suits against state governments to enforce minority voting rights or to reform substandard conditions in schools and prisons. The SPLC has won several landmark cases on behalf of the homeless and prison inmates. This work is important and seldom receives the recognition it deserves. While the SPLC continues to pursue these "poverty law" cases, the main focus of the organization has arguably shifted to becoming the premier authority on hate groups. Financial records indicate that the SPLC spends up to two million dollars a year on legal case costs while spending ten times as much on hate group research and "public education."

This paper will examine the nature and scope of the hate group data gathered and disseminated by the SPLC to assess the accuracy of the information and to better understand the ethical questions that arise from the uses to which that information is put by the organization and external stakeholders. Understanding how the SPLC built its reputation as a leading civil rights organization will make it possible to examine the accuracy of its hate group claims and how and why these claims are widely accepted by the media, academic researchers and law enforcement agencies.

On Propaganda

Because so much of the information produced by the Southern Poverty Law Center meets the criteria laid out in modern propaganda studies, it is worth reviewing the history and basic concepts of propaganda as it has been practiced in America over the past century.

Edward L. Bernays (1891-1995) is widely recognized today as one of the earliest pioneers of modern public relations and an avid supporter of the use of propaganda. In

1928, Bernays opened his groundbreaking book, *Propaganda*, with the candid lines

The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country (Bernays, 2005, p. 37).

When Bernays wrote those words between the World Wars, the term *propaganda* had not yet acquired the negative connotation it carries today. Bernays was writing factually of a rational system that influenced everything from the way people voted, to the cars they drove and the foods they ate, to the wars they fought. Such candor, such unabashed enthusiasm, seems crude and alien to contemporary sensibilities, where nearly every such sentiment is nuanced and manipulated to hide its true meaning.

We are governed, our minds molded, our tastes formed, our ideas suggested, largely by men we have never heard of. This is a logical result of the way in which our democratic society is organized.

We are dominated by a relatively small number of persons... who understand the social patterns of the masses. It is they who pull the wires which control the public mind, who harness old social forces and contrive new ways to bind and guide the world (Ibid).

Bernays, a favorite nephew of famed psychoanalyst Sigmund Freud, spent the next seven decades of his career pioneering, refining and perfecting the new field of public relations. Bernays would use his understanding of the “social patterns of the masses” to orchestrate

powerful public relations campaigns that significantly increased cigarette smoking among women, to change American eating habits on behalf of a bacon and sausage producer client by convincing the public that a heavier breakfast “was the most important meal of the day,” and to create a propaganda campaign that led to the CIA-backed overthrow of the democratically-elected government of Guatemala on behalf of the United Fruit Company in 1954, ushering in a succession of bloody, repressive dictatorships lasting for more than thirty years.

Institute for Propaganda Analysis

In response to the excesses and questionable tactics of public relations practitioners like Bernays in America and the growing influence of propagandists in several European dictatorships, a group of social scientists, led by Clyde Miller, founded the Institute for Propaganda Analysis (IPA) in 1937, in New York City. The stated goal of the IPA was

To assist the public in detecting and analyzing propaganda by conducting scientific research and education in the methods by which public opinion is influenced, by the analysis of propaganda methods and devices, and by the distribution of reports thereon (Miller, p. 14).

Clyde Miller, writing in 1938, decades before the unprecedented influence of television and the Internet on public opinion would be realized, described a world that would be familiar to modern readers:

There is today especial need for propaganda analysis. America is beset by a confusion of conflicting propagandas, a Babel of voices, warnings, charges, counter-charges, assertions, and contradictions assailing us continually through press, radio, and newsreel. These propagandas are disseminated by political

parties, labor unions, business organizations, farm organizations, patriotic societies, churches, schools, and other agencies; also by word of mouth by millions of individuals (p. 12).

In an effort to properly study propaganda and its effects on society, the IPA set out to accurately define the phenomenon it sought to analyze:

But what is propaganda? As generally understood, propaganda is expression of opinion or action by individuals or groups deliberately designed to influence opinions or actions of other individuals or groups with reference to predetermined ends.

Thus propaganda differs from scientific analysis. The propagandist is trying to “put something across,” good or bad, whereas the scientist is trying to discover truth and fact. Often the propagandist does not want careful scrutiny and criticism; he wants to bring about a specific action. Because the action may be socially beneficial or socially harmful to millions of people, it is necessary to focus upon the propagandist and his activities the searchlight of scientific scrutiny.

Socially desirable propaganda will not suffer from such examination, but the opposite type will be detected and revealed for what it is (p. 13).

Modern scholars have questioned some of the IPA’s primary tenets, such as the claim that all propagandists attempt to deceive their audiences through lies and half-truths, noting, as Miller implies above, that not all propaganda is negative and may even be socially beneficial, such as a public service announcement encouraging drivers to use

their seat belts, and that many of the techniques described are also used in legitimate advertising campaigns.

The IPA closed its offices upon America's entry into World War II in 1941, possibly to avoid undermining Washington's own war-time propaganda efforts, but its lasting legacy was a list of seven rhetorical techniques or devices that are still useful for identifying possible propaganda. These seven devices will form the lens through which this paper will examine much of the hate group data produced by the Southern Poverty Law Center.

The Seven Devices

Although there is some overlap between the following techniques, and not all content that employs them is necessarily propaganda, the seven devices, as laid out in the IPA's *Fine Art of Propaganda*, offer a useful "rule of thumb" approach to examining claims made by individuals and organizations.

Name Calling: Giving an idea a bad label—is used to make us reject and condemn the idea without examining the evidence (Lee, p. 26).

Glittering Generality: Associating something with a "virtue word"—is used to make us accept and approve the thing without examining the evidence (p. 47).

Transfer: Carries the authority, sanction, and prestige of something respected and revered over to something else in order to make the latter acceptable (p. 69).

Testimonial: Consists in having some respected or hated person say that a given idea or program or product or person is good or bad (p. 74).

Plain Folks: The method by which a speaker attempts to convince his audience that he and his ideas are good because they are "one of the people," the "plain folks" (p. 92).

Card Stacking: Involves the selection and use of facts or falsehoods, illustrations or distractions, and logical or illogical statements in order to give the best or the worst possible case for an idea, program, person or product (p. 94).

Band Wagon: Has as its theme, “Everybody—at least all of *us*—is doing it”; with it, the propagandist attempts to convince us that all members of a group to which we belong are accepting his program and that we must therefore follow our crowd and “jump on the band wagon (p. 105).

To reiterate, many forms of communication rely on one or more of the seven devices, which is why the SPLC’s use of them must be examined along with other factors, such as the accuracy of the information given and the context in which the claims are being made.

Getting Down to Basics: The Hate Group

The Southern Poverty Law Center, the advocacy group that is arguably the most widely cited in media, academic and law enforcement reports, has no fixed definition for hate group beyond the open-ended claim that, “All hate groups have beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics,” (SPLC, *Hate Map*, 2016). This claim, which neglects to address even the most fundamental aspects of a useful definition, such as how many members are required to constitute a “group,” is imprecise and may be intentionally ambiguous so as to allow for a broader range of interpretations. The SPLC is the sole arbiter of the hate group label and receives no external oversight or review. The hate group designation is little more than the public opinion of a private advocacy group.

The term “hate group” itself is a prime example of the name calling propaganda device. The primary function of name calling is to isolate, delegitimize, and dehumanize perceived opponents, creating suspicion in the mind of the audience and effectively shutting down all conversation and debate. Who, after all, would engage intellectually with a “hater”? Name calling also establishes the classic “us-and-them” false dichotomy and implies that anyone who is not demonstrably antagonistic toward “hate groups” must therefore be sympathetic to them. As with most propaganda, the intent is to bypass critical reasoning, which requires a degree of motivation and active participation by the audience, by appealing to the audience at a more emotional, subconscious level, leading them to a predetermined conclusion.

The undefined “attack and malign” criterion is cited as part of an annual *Hate Map*, which purports to identify all of the SPLC-designated hate groups in the country on a state-by-state basis over the course of the previous year. The *Hate Map* is the keystone for all of the SPLC’s hate group claims and it is the *Hate Map* numbers that are referenced in media, academic and law enforcement reports. The SPLC’s *Hate Map* makes two other important claims: “Listing here does not imply a group advocates or engages in violence or other criminal activity,” and “Hate group activities can include criminal acts, marches, rallies, speeches, meetings, leafleting or publishing” (Ibid).

It is this first claim that is important for examining the methodologies used by researchers and the media as many of their claims are based on linking hate groups with hate crimes, based on SPLC data, but here the SPLC clearly does not make that correlation itself. And yet, while disclaiming any actual threats posed by alleged hate groups, the fact that the entire purpose behind the creation of a *Hate Map* is precisely to

imply some sort of wrongdoing by those listed on it raises serious ethical questions. The *Hate Map* exists to lead its audience to predetermined conclusions.

Mark Potok, the SPLC's long-time Director of Intelligence and the person most responsible for compiling and disseminating the annual *Hate Map* numbers, has stated publicly and repeatedly that

Our criteria for a hate group, first of all, have nothing to do with criminality, or violence, or any kind of guess we're making about 'this group could be dangerous.' It's strictly ideological (Holiday, 2008, track 9).

The Southern Poverty Law Center's sole criterion for a hate group is that it rhetorically expresses statements or opinions about other groups that some find objectionable. This concept, that hate groups are purely ideological entities that pose no real criminal threat to society, is often overlooked by researchers. Potok's claim that his data are "strictly ideological" removes any possibility of neutrality and implies a distinct bias from the outset.

The second quote from the *Hate Map* legend, regarding "hate group activities," deals with the various methods by which alleged hate groups "attack and malign" other groups publicly. All six of the activities listed are expressly protected civil rights as laid out in the First Amendment to the U.S. Constitution. Marches, rallies and meetings are protected under the freedom of association clause of the amendment, and publishing, leafleting and speeches are the fundamental acts underlying freedom of speech.

Ironically, it is the media and academic journals, whose very existence depend on a free and open press, that are the main vehicles for advocating the suppression and censorship of hate groups solely for what they have to say, by citing SPLC claims.

The SPLC's ideological change from civil rights organization to special interest advocacy group was done quietly and without formal public announcement. First the descriptor "non-profit civil rights organization" was removed from the organization's website and other materials. Soon afterward, that phrase, which had been standard boilerplate text in all SPLC press releases for decades, was replaced by similar sounding phrases, such as "founded by two civil rights lawyers" or "founded during the Civil Rights era," which invoke the former descriptor, but have distinctly different meanings.

Here we find the use of both the glittering generality and transfer propaganda devices. Referencing the Civil Rights Movement transfers the authority and credibility of an actual civil rights organization without obligating the SPLC to defend the civil rights of everyone equally. The very name of the organization, the Southern Poverty Law Center, has evolved into a glittering generality itself over the years. Many people hear the name and associate it with poverty, civil rights, and often with austerity. Mark Potok offered some insight into the changing history of the group's name during his interview with Vermont high school teacher Bill Holiday:

In the 70's ... "poverty law" was actually the phrase ... it was a phrase used that just applied to ... essentially ... civil rights law ... to kind of human rights legal actions. I know a couple years ago there was a big discussion internally [at the SPLC], 'Should we change our name to something else?'

People think, you know, that it's all about, sort of, defending poor people, and that's not really, exactly what our mission is. By that time, people knew the name so well that, you know, we made, I think, the obviously right decision not to change the name (Holiday, Track 1).

Potok's conclusion that changing the group's mission without changing the name was purely a business strategy because of the organization's name recognition raises ethical issues. Decades after the term "poverty law" largely dropped out of common usage, many people may mentally parse the group's name as the "Southern poverty" law center, an erroneous association that the SPLC does little to correct. Despite Potok's claim, the mission statement on the SPLC's tax documents states that the group is "dedicated to fighting hate and bigotry and seeking justice for the most vulnerable members of our society," which would imply to many that "defending poor people" is still a key focus of the SPLC's mission (SPLC, *IRS Form 990*, 2016). The same IRS tax documents reveal that every year the organization receives tens of millions of dollars from donors, many who truly believe that they are helping the poor and "fighting hate."

Many donors, who receive a constant stream of fundraising materials from the SPLC that often imply that the organization is in dire financial straits, are unaware that the organization is one of the wealthiest nonprofit organizations in the country, with unrestricted cash reserves exceeding \$300 million. The term "nonprofit" itself evokes a mental image of a frugal, bare-bones organization struggling to meet its financial obligations and which spends every scarce donor dollar on program services. In reality, "nonprofit" simply means that any funds accrued over and above annual operating costs are absorbed by the organization rather than being distributed as profits to shareholders. "Nonprofit" is a tax status, not a mission statement.

While such omissions are not illegal or isolated in the nonprofit sector, they violate unwritten ethical norms.

Rhetorical ethicist Karl Wallace describes a *habit of justice* that should be cultivated by public speakers, “by selecting and presenting fact and opinion fairly” (Wallace, 1983).

The communicator should not distort or conceal data which his audience would need in justly evaluating his argument. The communicator should avoid substituting emotionally loaded language and guilt-by-association for sound argument. As a personal test, we can ask: In the selection and presentation of my materials, am I giving my audience the opportunity of making fair judgments? (p. 12).

The information produced by the Southern Poverty Law Center often violates Wallace’s dictum by omitting or distorting key information, such as the lack of a known location or even the membership size for hundreds of groups on the *Hate Map*, relying on god and devil terms to evoke emotional responses from its audience, and, as is the case with classic propaganda, leading that audience to predetermined conclusions. These are prime examples of the name calling, glittering generality and card stacking devices, which the SPLC often employs to imply that its designated hate groups are a threat to society.

In summary, while there is no fixed definition for the term *hate group*, many academic, media and law enforcement publications rely on numbers produced by the Southern Poverty Law Center in its annual *Hate Map*, primarily because there are very few other sources of data on the subject. While the SPLC definitively states that it does not link its designated hate groups with violence or criminality, many researchers ignore this disclaimer, seeking to link hate groups with hate crimes. Also, despite acknowledging that the groups on its list are not engaged in criminal activity, the SPLC actively seeks to suppress the First Amendment rights of these groups by designating

them as hate groups, in an effort to stigmatize and delegitimize their views. As such, the accuracy of term *hate group*, the fundamental data unit of all research on the subject, must be examined.

Last, the SPLC's decision to morph from civil rights organization to special interest advocacy group removes any question of the organization's information being objective and unbiased, as the very nature of advocacy is to promote one view over others. The decision to make the change without informing the donors and other stakeholders is ethically dubious, especially considering the millions of people who come into contact with the SPCA's claims each year, believing them to be unbiased and accurate.

Morris Dees Before the Founding of the Southern Poverty Law Center

As the SPLC is widely regarded as the primary source of hate group data, it is worth examining the history of the organization, its key players and the basis for its claims of expertise on the subject.

The Southern Poverty Law Center was founded in Montgomery, Alabama, in 1971 by two lawyers, Morris Dees and Joseph Levin, with the stated goal of helping the poor and disenfranchised to realize the benefits accruing from the landmark legislative achievements of the Civil Rights Movement of the 1960s. Poverty and institutional discrimination were still widespread in Alabama and other states of the Deep South, and few lawyers were willing to risk their careers, and even their lives, by challenging the status quo.

In his 1991 autobiography, *A Season for Justice*, Morris Dees writes that while still in law school at the University of Alabama in the late 1950s, he and a fellow student,

Millard Fuller, entered into a series of highly successful small business ventures, such as a birthday cake delivery service to their fellow UA students and selling fundraising products to civic clubs and organizations by mail. Dees claims that the latter business had gross sales of half a million dollars (or just over \$4 million in 2016 dollars). Dees graduated from law school in 1960, noting that “the real bonanza was the education I got in direct mail” (p. 79). It was these direct mail marketing skills that would later serve to make the Southern Poverty Law Center one of the most financially successful nonprofit organizations in the country today.

Although Morris Dees had achieved some successes in civil rights cases by 1970, such as filing civil lawsuits to integrate the Montgomery YMCA and the Alabama State Troopers, he first came to national prominence as the co-founder, with Millard Fuller, of one of the most successful direct mail order businesses of the 1960s, selling a wide selection of domestic items from cookbooks to doormats. Dees wrote, “I learned to write sales copy, to design an offer, and to mail at the most opportune time” (p. 94). These marketing skills would later garner Dees a place in the Direct Marketing Association’s Hall of Fame, not for his commercial achievements, but for his fund-raising acumen (DMA News, 1998).

Dees’ first foray as an attorney into the racial turmoil of the early 1960s came with the legal defense of his friend Claude Henley, a well-known local Klansman. On May 20, 1961, a bus carrying several black and white Freedom Riders was attacked at the Montgomery bus station by what *Time* magazine described as “an idiot, club-swinging mob of about 100 Klansmen and others” who assaulted the terrified riders and innocent bystanders alike before setting the bus on fire (Time, p. 18). The Freedom Riders were

civil rights activists, often college students, whose goal was to challenge the *de facto* segregation of interstate public transport and facilities across the South, which was in direct violation of federal Interstate Commerce Commission rulings, in 1961. Riding from state to state on Greyhound or Trailways buses, the activists were often met by violent mobs in major southern cities.

Claude Henley, described by witnesses as a ringleader of the Montgomery riot (Arsenault, 2006), broke off from the main mob and attacked a nearby television news crew in town to cover the Freedom Riders' progress.

Henley was soon after indicted on civil rights violation charges by Attorney General Robert Kennedy's Department of Justice and he turned to Morris Dees for help. Dees writes that he "didn't think twice" when it came to defending his friend, and when a series of hastily snapped photos depicting Henley knocking a newsman to the ground and kicking him repeatedly appeared in *Life* magazine, Dees welcomed them as proof that his client was not at the bus station at the time (Ritter, 1961, Dees, p. 84).

Dees noted that his motives weren't entirely altruistic; when Henley mentioned that another Montgomery lawyer wanted \$15,000 to take the case, Dees, who writes he was initially only going to charge a paltry \$500 to help his friend, immediately increased his fee to \$5,000, or about \$40,000 in 2016 dollars (Dees, p. 85).

Dees got the Justice Department's charges against Henley dismissed in 1962 and collected his \$5,000 fee, which, Millard Fuller, Dees' law and business partner at the time, wrote was paid by the local Klan and White Citizens Council (Fuller, p. 47).

In his 2016 book, *The Lynching: The Epic Courtroom Battle that Brought Down the Klan*, which traces the life of Morris Dees and the work of the SPLC, Laurence

Leamer attempts to distance Dees from Henley and to write off the case as a youthful indiscretion on the part of a young lawyer eager to land his first big case. While Dees declares Henley to be a neighbor whom he felt obligated to help, Leamer claims that Henley was the friend of Dees' cousin who was in need of a lawyer. "Dees was so excited to be sitting with a potentially paying client that he didn't think about what he was doing, getting involved with Henley" (p. 130).

While the image of a struggling young lawyer taking any job available to keep the law office doors open is plausible, it contrasts sharply with what both Dees and Millard Fuller wrote in their respective autobiographies. Both men note that their mail order business was so successful at the time that they closed the law office in 1962, the year of the Henley trial, to concentrate their efforts on the business. Dees wrote that even before the Henley case, he and Fuller had earned \$12,000 each in 1961 (more than \$96,400 in 2016 dollars) and Fuller wrote that by the end of 1962 the mail order business "showed a net profit of close to \$75,000," or more than \$590,000 in today's money (Dees, p. 82, Fuller, p. 40).

The Henley case and the huge success of the direct mail business are important in understanding Morris Dees, the way in which he operates the SPLC to this day, and the way in which the reputations of Dees and the SPLC have been deliberately crafted, which provides often unquestioned credibility for their hate group claims. Whatever Dees' reasons were for taking the Henley case, economic necessity was not among them. Dees defended the violent Klansman, whose racist crimes were documented in *Life* magazine because he chose to:

I didn't see representing Claude Henley as a racial thing. To make some money, I was taking a case that happened to be tied up with the Freedom Riders. My God, it wasn't that I was interested in the Klan! I was interested in making five thousand dollars representing a neighbor and keeping him out of trouble (Dees, p. 85).

Dees was under no obligation to defend Henley, who readily raised the \$5,000 for his defense and was hardly indigent. The fact that the partners closed the law office weeks after the Henley case indicates that practicing law had become secondary to their mail order enterprise. As for not being "a racial thing," Dees' acceptance of such a substantial amount of money from two highly racist organizations tends to negate that claim. Dees knew where the money came from. Millard Fuller wrote:

Morris Dees and I, from the first day of our partnership, shared one overriding purpose: to make a pile of money. We were not particular about how we did it; we just wanted to be independently rich.

During the eight years that we worked together, we never wavered in that resolve. And when the treasurer of our company walked into my office one day in 1964 to inform me that I was worth a million dollars, it came as no surprise. I accepted her report with satisfaction and turned immediately to my next goal: *ten* million dollars (Emphasis original, pp. 41-42).

While prosperity and financial independence form the underlying basis for the American Dream, Fuller's candid assessment of his partnership with Morris Dees indicates

motivations different than those Dees would later construct around himself. Dees has been portrayed as the living embodiment of Atticus Finch, the fearless, small town Alabama lawyer from Harper Lee's 1960 novel, *To Kill a Mockingbird*, including by Lee herself (Dees, 2016). Dees' embrace of comparisons to Atticus Finch represents his use of the transfer device, being associated with the hero of one of the most popular civil rights novels written, as well as the handsome and distinguished actor, Gregory Peck, who portrayed Finch in the 1962 film adaptation. The film won several Academy Awards, including the Best Actor Oscar for Peck, and remains very popular to this day.

Dees also employs the *plain folks* technique, in which the speaker implies that he and his audience are of the same class and share the same concerns and problems. Atticus Finch is depicted as a middle-class widower, struggling to raise his two young children alone; Morris Dees has been a millionaire since the early 1960s and resides in a 30-room mansion on a 200-acre estate with his fifth wife, Susan Starr (Montgomery Advertiser, 2010). Atticus Finch walked to work each day, while Morris Dees drives a Rolls-Royce (Jenkins, p. 1). Both Dees and Finch are portrayed as being strong civil rights advocates but any similarities between them, their lifestyles, and daily realities must end there.

While Gregory Peck's Atticus Finch was defending a poor, black Alabama sharecropper's son in 1962, Morris Dees was defending a violent Klansman.

Dees includes another anecdote in his autobiography that relies on both the transfer and plain folks devices to segue his transition from Klan lawyer to civil rights icon. On the Sunday following the infamous Klan bombing of a Birmingham church in 1963, killing four young, black girls, Dees writes that he and his first wife, Beverly, addressed the all-white congregation of his own church, asking for donations to help

rebuild the Birmingham church, but to no avail. “My words hit their frozen hearts and fell to the floor,” wrote Dees, leaving him and his wife praying silently by the altar as the cold-hearted congregation filed out of the church.

“Years later, Beverly would look back on this day and say, ‘That was the beginning. You knew your life was going to change and you had to go on with it’” (Dees, p. 88).

In 1994, a reporter asked Beverly Dees about Morris’ description of the epiphanic moment described in his book. After replying that the passage was beautiful and moving, Beverly Dees said, “I wish I’d been there to see that” (Langer, p. 260). As is the case with many autobiographies and memoirs, the anecdotes related are often unverifiable. Here we have only Morris Dees’ recollections, recorded some thirty years after the event.

One final note on the Henley case: In 2003, Morris Dees released a second autobiography, *A Lawyer’s Journey: The Morris Dees Story*, which was little more than a page-for-page reprint of his 1991 *Season for Justice* with a new final chapter added, updating the work of the SPLC over the intervening years. If Dees had any compunction about his work for the Ku Klux Klan, or felt that his co-writer, Steve Fifer, had misquoted him in the original book, he made no effort to change a single word more than a decade later.

By 1965, Millard Fuller had become disenchanted with the mail order business, seeking a more spiritual path for his life. Fuller sold his half of the business to Dees, gave away most of the money he had made over the years, and would later co-found Habitat for Humanity, a charity that continues to build low-cost housing for the poor (Fuller, p. 63). Morris Dees continued to operate the mail order business on his own for several

years before selling it for \$6 million dollars in 1969, or nearly \$40 million in 2016 dollars (Dees, p. 102).

Shortly after selling the business, and on the eve of founding the Southern Poverty Law Center with Joseph Levin in 1971, Morris Dees became involved in national politics when he was approached by the presidential campaign of South Dakota sSnator George McGovern. Dees became one of McGovern's primary fund-raisers, applying his direct marketing skills to raise millions for the candidate by mail, a relatively new approach at the time. Dees agreed to work for free in exchange for McGovern's extensive donor mailing list (Dees, p. 138).

That mailing list, containing the names of seven hundred thousand self-described Progressive voters, formed the foundation of the SPLC's first fundraising campaigns. Dees would reprise his direct mail solicitation work for the Jimmy Carter, Edward Kennedy, and Gary Hart presidential campaigns, each time in exchange for their mailing lists, amassing millions of potential donor names.

This thumbnail history of Morris Dees and the events leading to his founding of the Southern Poverty Law Center is important for understanding how the SPLC's credibility was created. Morris Dees was a relatively inexperienced civil rights lawyer in 1971, having spent most of the 1960s focused on his highly successful direct mail ventures and not practicing law. A case can also be made that Dees' most lucrative legal client was Claude Henley, a friend and known member of the Ku Klux Klan, who took part in a violent attack on a group of Freedom Riders, one of the most visible symbols of the Civil Rights Movement. Most significant for the success of the SPLC were Dees' extensive direct mail fundraising skills and his database of hundreds of thousands, later

tens of millions, of self-described Progressive donors. That donor base is the SPLC's primary audience for its hate group materials, and as with any successful business, the message is often tailored to the audience.

Founding the SPLC

Morris Dees writes of how he and his new law partner, twenty-six-year-old Joseph Levin, opened the Southern Poverty Law Center in 1971:

We decided to establish a nonprofit law center. I could volunteer my time. Joe would need a salary, and we both needed money for expenses. I felt confident that my selling skills, particularly my direct mail skills, could raise enough funds for the venture (p. 130).

Dees notes that he was determined not to invest any of his own funds in the venture, and so the first order of business was to send out fundraising letters.

Before we could ask for money, we had to establish credibility. We needed a prominent figure whose presence would announce the center's values and promise. Julian Bond seemed the perfect choice.

I had never met Julian Bond. My friend Chuck Morgan... working for the ACLU... arranged a meeting in Atlanta. When I told [Bond] about our hopes and plans, he agreed to serve as president of the Law Center, a largely honorary position (Dees, p. 132).

The choice of famed civil rights activist Julian Bond (1940-2015) as a "name" Dees could use to promote his fledgling law center was a shrewd business decision that still resonates with donors to this day. Bond helped to found the Student Nonviolent Coordinating Committee (SNCC) while still in college in the 1960s and worked with Dr.

Martin Luther King, Jr. and other noted leaders of the Civil Rights Movement. In 1965, Bond was elected to the Georgia House of Representatives but, being a black man, that body refused to seat him, citing trumped-up technicalities. Two years and one unanimous U.S. Supreme Court decision later, Bond was finally seated in the Georgia House and afterward served in the Georgia Senate into the 1980s.

Bond's activism and long fight for his rightful place in the Georgia legislature made him a household name in Progressive circles. Dees exploited Bond's reputation by making him the "largely honorary" president of the SPLC (Bond is simply referred to as a "sponsor" in the index of both of Dees' books) and yet subsequent articles, reports and many of Bond's obituaries, refer to Bond as a "co-founder" of the SPLC, when in fact his main role was that of celebrity endorser and fundraiser. Clearly Julian Bond, who continued to reside in Atlanta during his entire presidency, some 200 miles away from SPLC headquarters in Montgomery, had little or no impact on the day-to-day operations of the center, and yet he is still cited as a driving force behind the organization.

Dees makes no mention of money changing hands, but Bond had returned to college in 1971 to complete the studies that were interrupted by his civil rights work. It seems unlikely that he would lend his considerable name to two white lawyers from Alabama, whom Bond had never heard of before, without some compensation. Julian Bond's personal papers, housed at the University of Virginia, in Charlottesville, shed some light on the question. A letter from SPLC office manager Michael Fidlow to Bond notes that Bond's "fee" for September was enclosed and a handwritten note on the letter, presumably by Bond or a member of his staff, indicates that \$1,000 was deposited in the First National Bank on August 23 (Fidlow, August 19, 1971). A \$12,000 annual retainer

in 1971 would be worth more than \$71,000 in 2016. Laurence Leamer's 2016 book confirms Dees' public relations motives for hiring Julian Bond:

Although Bond was not involved in the day-to-day operations, northern donors saw Bond's name prominently on the fund-raising letters, and that gave the SPLC instant credibility (p. 213).

This standard propaganda technique, known as testimonial, is similar to transfer, as it is used to create a subliminal association within an audience between a respected individual and the propagandist. Testimonials are also among the oldest advertising techniques used and are often employed in political campaigns. Honorary President Bond was a well-connected, well-paid celebrity spokesman for the SPLC, but little more.

Morris Dees sought to exploit Julian Bond's connections in the civil rights community by using Bond's name to obtain mailing lists from other advocacy groups as well as to gain access to other prominent leaders. A later letter from Fidlow to Bond included copies of letters written by Dees to be signed and mailed by Bond, "because I feel that a letter over your signature will command greater attention than one without it." Fidlow informs Bond that, "We hope to get moving in the direct-mail fund-raising efforts fairly quickly... and I anticipate that you'll be of great help in recommending some potentially profitable mailing lists" (Fidlow, August 30, 1971).

In another example of the transfer technique, Fidlow's letter noted that if the first round of letters was successful, a second mailing would include U.S. Supreme Court Justices Earl Warren and Arthur Goldberg. Support from the Justices, as well as from Bond's personal friend, television talk show host Dick Cavett, would greatly expand the

SPLC's credibility with the public at large and with donors in particular at very little additional cost to Dees.

A letter from 2000, archived at the Library of Congress, from Morris Dees to Elaine Eason Steele, co-founder of the Rosa and Raymond Parks Institute, gives a behind-the-scenes view of Dees' use of testimonials in his fundraising materials. Dees informs Steele that he was completing a fundraising letter, bearing Park's signature, that he would send out to various test markets to assess its profitability. "From my many years' experience in direct mail, I have learned that the best way to see if an idea works is to do extensive testing" (Parks, January 6, 2000).

The six-page fundraising letter, bearing the letterhead of Rosa Parks, but written entirely by Dees, extolls the virtues of Dees and the SPLC and invokes the work of Parks, Dr. King, and the Civil Rights Movement, implying a direct connection:

Dear Friend,

One person can make a difference.

In 1955, I refused to give up my seat on a bus to a white person. I was tired of giving in to injustice. Many say this was the spark that set off the Civil Rights Movement and inspired thousands to join hands in this historic struggle.

Now I invite you to join a new movement where you too can make a difference.

You can do it by helping a good friend of mine in Alabama. He has started something which history may come to call the Tolerance Movement, and he needs you to be a part of it.

It makes me sad that 45 years after my arrest in Montgomery, hate crimes and intolerance are on the rise. It gives me hope that a dedicated man from my native state is leading the fight to help make Dr. Martin Luther King Jr.'s dream a reality.

My friend's name is Morris Dees.

The letter is laced with references designed to transfer the credibility of Parks, King and others to Dees himself. It begs the question that if Dees was the "good friend" of Rosa Parks he claimed to Steele, why he would need to write such a glowing endorsement himself?

As with his agreement with Julian Bond, no mention of money is made in the letter, but Dees does write that the SPLC was commissioning a video on the life of Rosa Parks to be distributed by the organization's Teaching Tolerance unit. Dees notes that the film would be made by documentary filmmaker Charles Guggenheim and makes the curious claim that Guggenheim had "won more Oscars than Disney Studios."

Guggenheim had won four Academy Awards for his documentaries by 2000, whereas Disney Studios had won 42 Oscars by that year, six of them for documentaries. Dees closes his letter to Steele using the transfer device on her behalf: "It will surely be Oscar material and will be entered. Who knows, maybe Mrs. Parks, you and I can stand on the Academy stage in a couple of years with Mr. Guggenheim."

Guggenheim died in 2002, according to the Internet Movie Database (IMDb), with no record of having produced a Rosa Parks documentary in the last two years of his life.

“Fighting Hate”

For the first decade of its existence, the legal work of Morris Dees and the Southern Poverty Law Center concentrated on traditional civil rights legislation in the Deep South. Dees filed suits that defended black voting rights, challenged inhumane living conditions in southern prisons and mental institutions, and won a federal suit that required funeral homes to offer equal services to all clients, regardless of race (SPLC, 1973). The center also defended a number of death row inmates, often black and indigent, who otherwise had little access to competent legal representation. It was this kind of “poverty law” work that built the foundations for the SPLC’s reputation. The cases were important, but largely unglamorous and little known beyond the civil rights community.

It should be noted that the Southern Poverty Law Center continues to pursue traditional civil rights cases to the present. For the most part, these are cases seeking reform against state institutions, such as schools, prisons and mental hospitals, rather than on behalf of individuals. The work is important but suing the Mississippi prison system into providing better mental health care for inmates does not have the same donor appeal as “bringing the Ku Klux Klan to its knees.” The civil rights cases take a distinct back seat to the SPLC’s hate group work.

By 1981, Morris Dees would initiate a major policy change that would garner world-wide recognition for the SPLC and make it one of the wealthiest non-profit organizations in the country.

In 1981, Dees turned his focus toward taking on the Ku Klux Klan, which was still active in parts of the South. One of the first cases Dees took on involved Vietnamese refugee shrimp fishermen operating out of Galveston Bay, Texas. The Vietnamese were

harassed and intimidated by local Klansmen seeking to drive them from the bay and reduce competition for white fishermen. Boats were burned and docks and other facilities were vandalized or destroyed, but local law enforcement did little to intervene. Dees obtained an injunction that prevented the Knights of the Ku Klux Klan from continuing to threaten the Vietnamese fishermen.

While the civil suit prevented the Klan from harassing the Vietnamese, no arrests were made for the burned boats or other destruction, yet the response from the donors was unexpectedly large. Randall Williams was a journalist hired by Dees in 1981 to form *Klanwatch*, a unit of the SPLC specifically designed to promote the SPLC's work against the Klan (SPLC, 1981).

"The money poured in," according to Williams, quoted in a 1988 cover story in *The Progressive* magazine. "Everybody, it seems, was against the Klan. We developed a whole new donor base anchored by wealthy Jewish contributors on the East and West Coasts, and they gave big bucks." In particular, Williams noted, "Our budget shot up tremendously—and still, we were sometimes able to raise as much as \$3 million a year more than we could spend" (Edgerton, p. 14).

Morris Dees, who had made millions in direct-mail sales, responded to the unprecedented flood of donations by increasing the SPLC's focus on the Klan and eventually other alleged hate groups to what many of the center's veteran legal staff considered to be the detriment of the poverty law that the organization had been originally founded to practice. Ken Silverstein, writing in *Harper's* magazine, noted that in 1986, the SPLC's entire legal staff quit to protest Dees' pursuit of the Klan, which they believed was a minor threat in comparison to the daily injustices facing poor Americans

(Silverstein, 2000). The SPLC largely gave up all of its death penalty cases, some maintain, out of Dees' concern that such work might alienate some donors, and it is the donors who are the primary audience for the SPLC's hate group claims.

The tens of millions of donor dollars at stake create an undeniable financial incentive for the Southern Poverty Law Center to interpret the term *hate group* broadly and to exaggerate the threat that these groups, which are designated solely by the SPLC itself with no external oversight or review, pose to the public at large. In both fiscal year 2014 and 2015, the SPLC reported donations in excess of \$54 million each, based largely on its work "fighting hate" (SPLC, *IRS Form 990*, 2016). Clearly, such large sums may pose a challenge to the neutrality and unbiased accuracy of the Southern Poverty Law Center's information.

In 1987, Morris Dees initiated a civil suit against the United Klans of America, in Mobile, Alabama, claiming that the UKA was legally liable for the actions of two of its members who had been convicted in the murder of a black man, Michael Donald, in 1981 (SPLC, 1987). Because the Michael Donald case plays such a large role in the reputations, and therefore the credibility of both Morris Dees and his law center, it is important to understand the events surrounding the murder and Dees' civil suit several years later. The Donald case, more than any other, established Dees' reputation as a civil rights icon.

Late on the evening of March 21, 19-year-old Michael Donald was walking home alone when he was approached by two Klansmen in a car, Henry Hays, 26, and James "Tiger" Knowles, 17. Hays and Knowles had learned earlier that night that the trial of a black defendant, Josephus Anderson, charged with killing a white policeman, had ended

in a mistrial when the jury, composed of eleven blacks and one white, could not reach a unanimous verdict. Incensed, the two men went into Mobile in search of a black person to murder in revenge for the perceived failure of the court system. Sighting Donald, who was out buying cigarettes for his sister, the men pulled up to the sidewalk on the pretense of asking directions to a local club. When Donald approached the car, he was forced into the back seat at gunpoint and driven to an isolated location.

Laurence Leamer's 2016 book, *The Lynching*, describes the events of the murder, in which Hays and Knowles first attempted to strangle Donald with a hangman's noose, and when that failed, they beat him unconscious with a tree limb whereupon Henry Hays cut Michael Donald's throat with a utility knife. The perpetrators loaded Michael Donald's lifeless body, with the noose still around his neck, into the trunk of the car. They drove back to Hays' neighborhood and tied the corpse to a low tree in a vacant lot across the street from his father's house, using the hangman's noose. Bennie Hays was the leader of the local Klan unit, UKA 900, and Henry wanted to show off his grisly handiwork. Two days earlier, at a meeting of Klansmen organized by the elder Hays, the subject of murdering a black person in retaliation had been raised, in the event that Anderson was not found guilty, and Henry wanted to prove that he was not "all talk" (Leamer, pp. 17-22).

Framing the Donald Case

There are several key points in this chain of events worth closer examination. The media has often referred to the death of Michael Donald as a *lynching*, when in fact it was a premeditated murder. While this may seem like a fine point of law, the law is made up largely of fine points, and precise details matter greatly. *Black's Law Dictionary* defines

lynching as, "...the action of unofficial persons, organized bands, or mobs, who seize persons charged with or suspected of crimes, or take them out of the custody of the law, and inflict summary punishment upon them, without legal trial, and without the warrant or authority of law (Blacks, n.d.)." Hays and Knowles had no belief whatsoever that Michael Donald was guilty of any crime, and was certainly in no way involved with the Josephus Anderson case. Michael Donald was simply the first convenient black person who came into view.

The word *lynching* is a classic devil term, in that it evokes strong, visceral reactions in many people. Many in the media labelled the killing of Michael Donald as a lynching either from a lack of knowledge of the actual meaning of the term, or to sensationalize their stories. Laurence Leamer certainly must have known the definition of the term before writing an entire eponymously titled book on the subject, but a book titled *The Lynching* has the potential to draw more attention than one titled *The Murder*. Although Morris Dees referred to the event as a murder in his 1991 autobiography (p. 343), on the SPLC website, the general public's primary point of access to the organization, refers to the "Michael Donald Lynching Case" (SPLC, 1984). Had Hays and Knowles abducted Josephus Anderson after the mistrial and murdered him in an act of extrajudicial summary punishment, only then would the term *lynching* properly apply. Describing the murder of Michael Donald as a lynching is no more accurate, legally, than calling it a bank robbery.

Many media accounts of the murder, including reviews of Leamer's book, also claim that Michael Donald was *hanged* from a tree, which reinforces the stereotypical concept of a lynching in the public mind. Yet, as Leamer notes in his account of the

crime, which draws heavily from pages 212-214 of Morris Dees' autobiography, Donald had been deceased even before his body was loaded into the trunk of Hays' car and driven back to Mobile. Author B.J. Hollars interviewed retired Mobile County Coroner LeRoy Riddick for his book on the Donald murder, *Thirteen Loops: Race, Violence and the Last Lynching in America* (2011). Riddick, who had pronounced Michael Donald dead at the scene in 1981, determined from the subsequent autopsy that Donald had indeed died of asphyxiation, but also noted that "He was in a striking position because of the rigor mortis, indicating to me that he had died somewhere else and had been hung from a tree, rather than being hanged" (p. 141).

It is yet another fine point of law, but to say that Michael Donald was *hanged* from a tree implies that that was the cause of his death, which is more evocative than noting that his lifeless body was *hung*, which is to say, *suspended*, from a tree. The inaccurate use of the terms *lynching* and *hanged* by the media, Hollars, Leamer and the Southern Poverty Law Center are designed to evoke an emotional reaction from their respective audiences. Researchers who repeat this phraseology in their work are perpetuating hyperbole rather than insisting on impartial accuracy in the terminology of the events that transpired.

"Bringing the Klan to its Knees"

The Michael Donald murder case is especially important for the role it played in creating Morris Dees' reputation for fighting hate groups and as a champion of civil rights. Without a doubt, taking on even the fractured Klans of the 1980s was still dangerous work. Morris Dees received multiple death threats and the first headquarters of the SPLC in Montgomery was damaged by arsonists in 1983. Dees emphasized the

threats to him and the law center in his fundraising letters, and as *Klanwatch* editor Randall Williams noted, donations poured in faster than they could be spent. This reputation, which would be enlarged and embellished in subsequent years, forms a primary basis for the Southern Poverty Law Center's public image, and plays a significant part in the willingness of the media, academics and law enforcement agencies to accept SPLC claims as accurate without vetting them whatsoever.

In Mobile, the investigation into the murder of Michael Donald moved forward slowly. Leamer writes that the Mobile Police Department, whose members may have had family and other ties to the United Klans, were determined to deflect suspicion from the KKK (p. 40). Instead, acting on a tip from a questionable witness, they arrested three other men, alleging that they had beat and killed Donald over a botched drug deal and then displayed the corpse as a warning to other dealers. Initially, the arrests satisfied the Federal Bureau of Investigation, which had no purview to investigate routine local murders. It was only the persistence of Assistant U.S. Attorney Thomas Figures and extensive investigation by the FBI on civil rights violations grounds that brought Hays and Knowles to trial in 1984, two-and-a-half years after the murder. "Tiger" Knowles was persuaded to testify against his friend Henry Hays in return for leniency, and in short order, both men were convicted of the murder of Michael Donald by an all-white jury. Henry Hays received the death penalty and Knowles was sentenced to life in prison.

Morris Dees wrote that he attended the Hays trial as a spectator and returned to Montgomery determined to bring a civil suit against the United Klans, Bennie Hays and UKA founder and Imperial Wizard, Robert "Bobby" Shelton (p. 214).

I didn't know whom we would sue or exactly what our theory would be, but that really didn't matter. This was the most gruesome racially motivated murder in almost twenty years. We'd find something.

One more factor motivated me: The torching of the Center had made my battle against the Ku Klux Klan personal as well as philosophical (Ibid).

Dees correctly surmised that bringing a civil suit against Hays and Knowles would be of little value, as both convicts were essentially "judgment-proof," unable to pay any monetary damages (p. 218). Instead, Dees proposed that as Hays and Knowles had acted as "agents" of the United Klans of America, a civil suit seeking damages against the UKA might be viable, just as similar suits against other corporations for the actions of their agents had been filed for decades (p. 219).

Before Dees could proceed, he had to obtain the cooperation of Beulah Mae Donald, Michael's 66-year-old mother, as she would have to serve as plaintiff in the case. Some media accounts claim that Mrs. Donald sought out Morris Dees' help, but Dees confirms that it was he who sought out Mrs. Donald through her family attorney, Michael Figures, the brother of the assistant U.S. attorney, who had reopened the murder case in 1984 (p. 223). Dees wrote that he warned Mrs. Donald that there was very little chance of receiving much in monetary damages, noting that "Winning money for Mrs. Donald was not my principle aim" (Ibid). This is a significant statement as it contradicts much of the subsequent "bringing the Klan to its knees" narrative constructed by Dees following the trial.

In brief, Dees filed a civil suit against the United Klans of America, Henry Hays, Bennie Hays, Tiger Knowles, Bobby Shelton and others in 1987 for their part in the

wrongful death of Michael Donald. In a civil suit, the court does not appoint attorneys to advocate for indigent defendants, as it does in criminal cases. Of the nine men named in the complaint, only Imperial Wizard Bobby Shelton was represented by counsel at the trial. The other defendants, largely uneducated, were little match for the SPLC's multimillion dollar resources and soon turned against each other on the stand in hopes of sparing themselves. The jury accepted Dees' "vicarious liability" argument, that the United Klans were responsible for the criminal actions of its agents, and on February 12, 1987, awarded Beulah Mae Donald \$7 million in damages (SPLC, *Final Judgment*, 1987).

As Dees predicted, Beulah Mae Donald had little chance of recovering more than a fraction of the damages awarded. The sole asset the UKA possessed of any value was its "national headquarters" building in Mobile. Dees estimated its value at \$250,000, but an obituary for Mrs. Donald in the *New York Times* cited estimates of between \$150,000 and \$200,000 (NYT, 1988). In the end, the building sold for just under \$52,000, the price weighed down, according to Dees, because of the notoriety surrounding the property. The amount of money Mrs. Donald received is relevant as it is indicative of how Morris Dees exploited her son's murder, and Mrs. Donald herself, to the profit of the Southern Poverty Law Center.

Ken Silverstein, writing in *Harper's* magazine in 2000, noted that while Mrs. Donald was awarded \$7 million, of which she received less than 1% in actual cash, the SPLC had "made more than \$9 million from fundraising solicitations featuring the case, including one containing a photo of Michael Donald's corpse (2000). While it was important for the jurors in the *Donald v. UKA* case to see police photos of Michael

Donald's beaten and bloated corpse, there was no justifiable reason to include such a gruesome image in fundraising materials other than for sheer shock value. With Morris Dees and any legal staffers already on the SPLC payroll, the actual costs of the Donald case would have fallen well within the annual legal budget already allotted for the year. There was no need to exploit Michael Donald's corpse beyond pure fundraising motives, and Mrs. Donald did not receive any of the \$9 million in donations. Dees included the photo in both editions of his autobiography as did Laurence Leamer in his book about the Donald case.

Additionally, Dees noted that the SPLC fronted Beulah Mae Donald the \$52,000 from the sale of the UKA building until that transaction could be finalized. Mrs. Donald used the money to move out of public housing into a new home of her own (p. 331). Dees included photos of himself handing Mrs. Donald the keys to her new home in subsequent publicity materials, as though the house was a gift from him. Beyond the issue of exploiting Mrs. Donald in this patronizing manner is the question of the \$52,000. If, as Dees contended, the UKA building was worth more than \$250,000, with the sale price depressed by the publicity surrounding the trial, why did not Dees, or any of his wealthy friends or donors, or the SPLC itself, offer to pay Mrs. Donald the full value of the property, in expectation that its value would return as the publicity around it diminished with time? Beulah Mae Donald, who was in poor health before the second trial, would die less than a year after moving into her new home, as Dees and Leamer noted, largely from the stress of the murder of her son and the subsequent Klan trials (Dees, p. 332, Leamer, p. 303).

In the end, the Mobile chapter of the UKA was bankrupted, though as Dees noted before the trial, the group had little in the way of assets to begin with. The Mobile district attorney also brought charges against Bennie Hays and Frank Cox, the UKA Klansman who had provided the rope used in the attack on Donald. Bennie Hays would escape trial by a series of heart attacks, actual or feigned, and Cox would be sentenced to life in prison for being an accessory to the murder. The Mobile chapter of the UKA was effectively neutralized, but most members were not directly affected by the trial, and the most recent *Hate Map* lists 190 Klan groups in the country today, nine of which allegedly reside in Alabama, including a chapter of the United Klans of America. The SPLC's own data would indicate that the Ku Klux Klan was hardly "brought to its knees" by Morris Dees.

Klan Trials as Fundraising Events

Despite crafting a public image as a man driven to destroy the Ku Klux Klan, Morris Dees has demonstrated a friendliness and congeniality with individual Klansmen that seem incongruous with that mission, starting with Dees' ongoing friendship with Claude Henley. Similarly, a 1991 article in *People* magazine featured an interview with "Bubba" Dees, the "wily Alabamian" who "uses the courts to wipe out hate groups" (Shaw, 1991) During the interview, Dees revealed that he had recently been in contact with Tiger Knowles, one of Michael Donald's confessed murderers:

A few weeks ago, Dees accepted a collect call to his office from James

"Tiger" Knowles, one of the men doing time for the Mobile lynching.

'What you doin' callin' me collect, boy,' Dees laughed. 'You done escaped or something?' Tiger was calling to get Dees's [sic] advice on a book he's

writing. ‘You get a contract, I’ll look at it for you, Tiger. Did I treat you right in my book?’ Dees asked.

Leamer wrote that at the end of the Donald trial, Dees approached two of the co-defendants who had just been found liable in the murder and who were “staggered that they would be yoked to this financial burden for the rest of their lives. The lawyer walked over to them and put his arms on their shoulders. ‘Hey, don’t worry,’ he said. ‘We’re after the Klan and Bennie [Hays], not you guys’” (p.300).

Dees’ collegial demeanor with some of the men responsible for “the most gruesome racially motivated murder in almost twenty years” seems incongruous, considering the importance Dees and SPLC fundraising materials attach to the case. Part of the reason may be that the individual Klansmen involved generally have little to nothing in the way of assets to turn over to the plaintiffs. They are ancillary to the larger case. The real money, if not for the plaintiffs, comes in the form of the tens of millions of dollars donated to the SPLC in response to Dees targeted fundraising campaigns.

Legal ethicists have long recognized a tendency for some lawyers to deviate from professional ideals in pursuit of justice for its own sake. Daniel Markovits observes:

On the one hand, lawyering is intimately connected to the deep and enduring ethical ideals of respect for persons that justice involves. On the other hand, the legal profession also has an ethically troubling aspect. Lawyers—at least when they function as adversary advocates—do not pursue justice itself, directly and impartially. Instead they are charged loyally to represent particular clients, whose interests and aims may diverge from what justice requires (p. 11).

In the case of Morris Dees, his client is often his own organization.

One final incident regarding Morris Dees' personal relationship with the Ku Klux Klan and his own demeanor comes by way of an anecdote Mark Potok related to schoolteacher Bill Holiday in 2008. Potok describes the details of an event where a Klansman named Jeff Berry gave an interview to a local television news crew, then, thinking better of it, demands the tape of the interview from the crew at shotgun-point. Potok says the police did nothing in response to the reporter's complaint and so the SPLC stepped in:

About a year later... well, we sued very quickly... well, it was shortly after that, and we easily won a judgment against Berry. You know, this was absolutely false imprisonment, right? I mean, it was a felony crime (Holiday, track 5).

On page 101 of both of his autobiographies, Morris Dees writes about a similar event that followed the 1983 arson attack on SPLC offices in Montgomery. Believing the fire to be the work of the United Klans, Dees invited his friend, Klansman Claude Henley, to visit him in his office. When the unsuspecting Henley arrived, Dees called Imperial Wizard Bobby Shelton on the speakerphone. Dees and Shelton were on a first name basis years before the Michael Donald case, with Shelton likely authorizing the payment of Dees' legal fee in the Henley case in 1962:

When Shelton answered, I told him what the Klan had done to my building. Reaching behind the drapes in my office I pulled out the Browning automatic shotgun I'd bought after receiving the threatening letter. I aimed it at Claude. "Tell Bobby what I'm doing, Claude," I said.

Claude's cigar was shaking. So were his knees. He described the shotgun to Bobby in vivid detail. I put a shell in the chamber. "Now tell him what I'm doing, Claude," I ordered. Claude again obliged.

"Bobby," I said, "I'm going to blow this son of a bitch's head right off of his goddamn neck. You don't fuck with me now."

I looked up at Claude. "You think I'd shoot you, Claude?"

"Yes, yes. I think you'd do it."

Bobby interrupted. "Claude," he said, "if you can talk to somebody down there and find out what's going on, you tell him to let Morris alone. Just leave him alone."

I smiled at Claude. "Okay, Bobby," I said into the speakerphone.

"That's it."

I put down the gun. The color came back into Claude's cigar (p.

101).

Despite having only Dees' expletive-laden account of the alleged events, Dees is clearly admitting to committing the exact same felony crime as Jeff Berry. Under Alabama state law, most felonies have a three-year statute of limitations (AL § 15-3-1 et seq) with the exception of "Any felony involving the use, attempted use, or threat of, violence to a person" (Fitzpatrick, n.d.). Dees' boastful threat to blow Claude Henley's head right off his neck with a shotgun would appear to meet all of those conditions.

First Amendment Issues

Dees would repeat his "vicarious liability" strategy several more times over the years, with similar results: highly publicized trials with huge financial judgments against

the defendants, of which the plaintiffs receive a small fraction. Dees himself has spoken of the efficacy of his “fish in a barrel” style of bringing civil suits against largely indigent defendants. In reference to a case brought against members of a skinhead group convicted for the murder of an Ethiopian immigrant in Portland, Oregon, Dees wrote:

We chose state court because Oregon discovery rules are quite different than the federal rules. You can do trial by ambush in Oregon. You have no interrogatories, no production of evidence; you don’t have to give the names of the witnesses or give the other side your documents (Dees, February 11, 1991).

Predictably, the defendants in these cases, many of whom have no alternative than to attempt to defend themselves, are easy targets for Dees’ trained lawyers and such “trial by ambush” techniques. The plaintiffs, who are required to relive some of the most traumatic moments of their lives, receive a pittance compared to the millions of dollars the SPLC will receive from its donors. Dees can claim that justice has been served in his public relations materials, but it is his organization that is the primary beneficiary of these suits, which is why it is often the SPLC that contacts the victims initially, offering to file civil complaints on their behalf, at no cost to them whatsoever.

Some in the legal profession have raised concerns that Dees’ civil suits violate fundamental First Amendment rights to freedom of speech as they seek to bankrupt groups based on their ideologies, which promotes a chilling effect on others who would express similar views. Attorney Jason Saccuzzo writes that Dees’ choice of civil suits allow him to “sidestep” the First Amendment protections mandated by the U.S. Constitution and upheld by the Supreme Court in *Brandenburg v. Ohio*, in 1969 (p. 402).

In *Brandenburg*, Ohio, Ku Klux Klan leader, Clarence Brandenburg, was charged with advocating violence during remarks he made during an interview with a reporter from a local television station. “We're not a revengent [sic] organization, but if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it's possible that there might have to be some revengeance [sic] taken” (Ibid).

While Brandenburg’s semi-literate comment did not explicitly call for violence, he was nonetheless found guilty and sentenced to ten years in prison under an obscure 1919 law enacted to suppress the fledgling Communist Party in America. Brandenburg’s appeal, that his First Amendment rights to free speech and his Fourteenth Amendment rights to equal protection under the law were being violated, was rejected by the Ohio Court of Appeals, and the Ohio Supreme Court refused to even review the case. The U.S. Supreme Court agreed with Brandenburg’s arguments and reversed his conviction, finding that “constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to incite or produce imminent lawless action and is likely to incite or produce such action” (p. 403).

Saccuzzo argues that Dees’ strategy of using common tort law in local courts against hate groups is denying those groups the civil rights his organization purports to defend. As noted, defendants in civil suits must provide their own legal counsel, no indictment is required to bring a civil suit, and attorneys for the plaintiffs are not required to show “proof beyond a reasonable doubt,” in their accusations. Additionally, Saccuzzo notes, “in a civil suit there is “no double-jeopardy limitation,” as mandated under the

Fifth Amendment (p. 406). In most cases, the defendants have little chance of standing up to Morris Dees' multimillion-dollar law firm.

In one such case, after two skinheads were found guilty of the murder of an Ethiopian immigrant in Portland, Oregon, in 1988, Morris Dees filed a vicarious liability suit against Tom Metzger, a vocal white supremacist living in California. Dees' argument was that the skinheads were incited to the murder by Metzger's hate-filled rhetoric. Metzger, who was never charged in the murder case by any court and was not even in Oregon at the time of the crime, attempted to defend himself against Dees, and predictably lost everything to a \$12.5 million ruling against him.

In an article titled *Punish Deeds, not Speech*, Ray Jenkins, of the *Baltimore Sun*, wrote at the time:

What Dees did was convert the civil law, whose basic purpose is to settle disputes between individuals, into an arm of the criminal law. In legal abracadabra, the standard of proof in civil cases – usually only “preponderance of the evidence” – is a good deal easier to meet than the higher standard of “guilt beyond a reasonable doubt” required in a criminal prosecution.

Jenkins, a journalist, raised the question of civil liberties and the chilling effect such lower court decisions could have on free speech.

But the question is, will the message stop with hate groups? Let's not forget, there are cases on record where civil law was tortured into criminal law to punish communists in the 1950s, then civil rights groups, including the NAACP, in the 1960s. There was even one celebrated case in which an Alabama jury attempted to destroy the *New York Times* in 1963 by using the civil action of libel as a

criminal action. The U.S. Supreme Court swiftly put a stop to that nonsense (Jenkins).

While many SPLC supporters may cheer such civil suits, they may not be aware of the threat posed to their own civil rights. One cannot revoke the rights of one person without revoking them for all.

SPLC as Unbiased “Watchdog”

Dees may claim that his tort suits are “bringing the Klan to its knees” in his public relations materials, but in actuality, he is seeking to stifle their unpopular speech. As the SPLC’s spokesman, Mark Potok, has stated, his organization’s *hate group* designation is not based on violence or criminality, but solely on ideology. Potok makes it very clear that the SPLC, rather than being the unbiased civil rights watchdog group portrayed in its fundraising and public relations materials, is an organization with a definite agenda with regard to these groups. In a 2007 speech to an anti-hate crime group, Potok said

I don’t think there’s any doubt that these are human beings and it’s a mistake to regard them as just a bunch of sociopaths... though most of them are. Let me say... our aim... sometimes the press will describe us as monitoring hate groups and so on. I want to say plainly that our aim in life is to destroy these groups. Completely destroy them! (Potok, 2007).

The following year, Potok informed a group of high school teachers visiting the SPLC headquarters that

We see this political struggle, right? ...I mean we’re not trying to change anybody’s mind. We’re trying to wreck the groups, and we are very clear in our head, this is... we are trying to destroy them. Not to send them to

prison unfairly or not take their free speech rights away... but as a political matter, to destroy them (Holiday, track 13).

As a political matter, the SPLC has clearly “taken sides,” and considering that the organization’s donor base is composed largely of thousands of self-identified Progressives, it is little wonder that much of the SPLC’s research warns of “Right-wing extremists,” “the Radical Right,” and “the Far Right.” The use of such epithets once again relies on the classic propaganda technique of name calling, by which the SPLC dehumanizes and delegitimizes its perceived opponents in the minds of its audience. When asked by a journalist from *The Blaze* network in 2012 why the SPLC did not consider the Occupy Wall Street movement to be a hate group, Potok replied, “We’re not really set up to cover the extreme Left” (Morgenstern, 2012).

Confirming their recent transition from civil rights organization to special interest advocacy group, the SPLC has lately embarked on a series of civil law suits, including simple copyright infringement and consumer fraud cases involving LGBT plaintiffs, which have nothing to do with civil rights but are intended to impress its largely Progressive donor base. While researchers and law enforcement agencies would hesitate to accept data provided by other agenda-driven advocacy groups at face value, such as the National Rifle Association (NRA), the SPLC is often granted a double standard and its hate group claims go largely unvetted.

The Montgomery Advertiser Series

In 1994, Dan Morse and Greg Jaffe, two reporters from the *Montgomery Advertiser*, that city’s largest daily newspaper, published a week-long series of articles examining the Southern Poverty Law Center and Morris Dees. The articles, under the broader title of

Charity of Riches, claimed that Morris Dees was the sole power behind the law center and had turned his focus from traditional civil rights cases to the far more lucrative hate group suits. In one article, *A Complex Man: Opportunist or Crusader?*, Dan Morse noted that, despite receiving millions in donations and amassing more than \$52 million in its endowment fund, the SPLC had only filed four law suits in the previous four years (February 14, 1994).

Several of the findings of Morse and Jaffe's 8-day exposé contradicted the SPLC's public image of a struggling, storefront civil rights group that was always in desperate need of cash. Citing SPLC tax records for the previous ten years, Morse and Jaffe (referred to henceforth as Morse) determined that the SPLC raised \$62 million in donations, but only \$21 million in "program costs." Morse noted that during the same period, the amount of interest received on the SPLC's investment portfolio exceeded the \$21 million in "program costs." The article notes that "program costs" is a fairly elastic term, as the SPLC engaged in (and continues to engage in) the widespread, yet highly subjective accounting practice known as "joint costs" (February 13, 1994).

The SPLC's most recent audited financial statement describes "joint costs" as Activities and the production of materials which combine development, education, and management functions are allocated to the program and supporting services on the basis of the content of the material, the reason for its distribution, and the audience to whom it is delivered (SPLC, October 15, 2015, p. 14).

In layman's terms, "joint costs" are development expenses (i.e. "fundraising") that are allocated to other departments within the nonprofit organization's structure. For fiscal year 2015, the SPLC's auditors declared that

The Center incurred joint costs of \$8,430,301 for educational materials and activities as part of fundraising appeals during the year ended October 31, 2015. Of those costs, \$1,822,279 was allocated to management and general expense, \$2,608,065 was allocated to development expense, and \$3,999,957 was allocated to program expense (Ibid).

In 1994, Morse demonstrated that “joint costs” accounting allowed the SPLC to claim that it spent only \$2.6 million on fundraising and development costs, or 19.8% of its budget, a figure within the fundraising guidelines advocated by most charity watchdog organizations. Using those same guidelines, minus the “joint costs” allocation, Morse determined that the SPLC actually spent \$5.7 million, or 42% of its budget on fundraising (Morse, Feb. 13, 1994).

While joint costs accounting is not illegal, and is practiced by many of the largest nonprofits and charities in the country, it is ethically ambiguous, according to Charity Navigator, one of the leading industry watchdogs. “Although the use of this accounting “trick” is often perfectly in line with the accounting rules for the reporting of joint solicitation costs (AICPA SOP 98-2) these rules allow for many interpretations and judgments that can produce questionable results” (CharityWatch [sic], 2013). Among the questionable results in the 2015 audit is that by adding the \$8.4 million in joint fundraising costs to the \$9.3 million specifically designated for fundraising, the final costs exceed \$17.7 million, or 42% of the budget, which significantly exceeds both the 32% fundraising figure cited by the SPLC (Financial Information, 2016) and the 35% best practices guideline established by Charity Navigator.

Morse and Jaffe also criticized the SPLC's ongoing fundraising campaigns, which at that time revolved chiefly around direct mail solicitations written by Morris Dees. Many of Dees' impassioned pleas implied that his organization was in dire straits, though Morse published financial figures indicating that the SPLC had spent only 18% to 31% of its budget on program services and held millions of dollars in cash reserves (Table 1).

Fiscal Year Ending	Donations (in Millions)	Total Revenues (in Millions)	Program Spending (in Millions)	Reserves on Hand (in Millions)
1983	\$2.5	\$3.7	\$1.0	\$9.4
1984	\$3.9	\$5.1	n/a	n/a
1985	\$4.2	\$5.8	\$1.2	\$12.2
1986	\$4.9	\$7.6	\$1.3	\$14.3
1987	\$4.9	\$7.4	\$1.7	\$16.7
1988	\$5.5	\$7.6	\$1.6	\$20.5
1989	\$6.6	\$11.0	\$2.0	\$24.3
1990	\$7.2	\$10.0	\$2.5	\$33.5
1991	\$7.8	\$10.4	\$3.1	\$38.6
1992	\$9.1	\$12.7	\$3.4	\$44.2
1993	\$11.4	\$13.6	\$4.2	\$47.3
1994				\$52.0

Table 1. SPLC Financial Information (Source: Montgomery Advertiser, Feb. 13, 1994)

A former SPLC staffer, civil rights attorney Tom Turnipseed, recounted how one mailing included a return envelope carrying "about six different stamps." The intent behind this use of the plain folks device, according to Turnipseed, was to imply that the SPLC was strapped for cash. "It was like they had to cobble them all together to come up with 35 cents" (Morse, February 13, 1994). In another case, this time using a bandwagon approach, in a 1995 fundraising letter co-signed by a local Montgomery rabbi, Dees referred to himself by his full name, Morris Seligman Dees on letters targeted at Jewish donors (Egerton, p. 14). Dees, and his father, Morris Seligman Dees, Sr., come from a long line of Southern Baptists, but were named in honor of a prominent Montgomery

Jewish businessman whom Dees' grandfather had admired (Dees, p. 53). Southern historian John Egerton quotes former SPLC lawyer, Ira Burnim, "Morris used his middle name in mailings to Jewish ZIP codes. The intent, I assume, was to boost returns" (Egerton, p. 14.).

While neither of these techniques are expressly illegal, as with the joint costs "accounting trick," they do challenge the ethics of Dees' and the SPLC's fundraising practices. The Direct Mail Hall of Famer continues to employ questionable "gimmicks" to the present day, as will be examined in detail further in this paper, which further challenge the accuracy of the SPLC's primary claim to authority, its hate group data.

Ken Silverstein documented another significant discrepancy between the center's claims and actions:

Back in 1978, when the center had less than \$10 million, Dees promised that his organization would quit fund-raising and live off interest as soon as its endowment hit \$55 million. But as it approached that figure, the SPLC upped the bar to \$100 million, a sum that, one 1989 newsletter promised, would allow the center "to cease the costly and often unreliable task of fundraising" (Silverstein, 2000).

The SPLC's cash endowment fund reached the \$100 million mark in 2002, the \$200 million mark in 2007, and the \$300 million mark in 2014. Far from "living off interest," the SPLC has continuously expanded its fundraising machinery, as noted in a 2011 advertisement for a regional advancement director (RAD) "to join our growing major gifts team," and a 2013 ad for a "planned giving officer" tasked with convincing donors

to include the SPLC in their wills. Morris Dees shows little indication that he plans to “cease the task of fundraising” anytime soon.

“No Blacks in Center’s Leadership”

One of the most damning allegations made by the *Montgomery Advertiser* exposé deals with race relations within the Southern Poverty Law Center. A February 16, 1994, article, “Equal Treatment? No Blacks in Center’s Leadership,” opens with a charge of institutional racism at one of the country’s leading civil rights organizations:

Outside the Southern Poverty Law Center, a stunning civil rights memorial honors those who died to give blacks more opportunities. Inside, no blacks have held top management positions in the center’s 23-year history, and some former employees say blacks are treated like second-class citizens (Morse, February 16, 1994).

Morse and Jaffe contacted 13 black former SPLC staffers and found that 12 of them experienced or observed racial problems at the center, three claimed to have heard racial slurs and three likened the SPLC to a “plantation.” When asked about the charges, Morris Dees responded, “There ain’t no plantation mentality. If that was the case, I don’t know what blacks would be doing in the positions they are...” At the time, the SPLC had no black attorneys and the only African American in a managerial role oversaw the mail room. Dees followed up with the statement, “It is not easy to find black lawyers. Any organization can tell you that” (Ibid). Dees’ claims that there was a dearth of qualified black lawyers in 1994 willing to work for one of the nation’s most celebrated civil rights law firms appears simplistic on the surface.

Dees makes another unusual statement in the piece while commenting on the lack of diversity at the SPLC:

Probably the most discriminated people in America today are white men when it comes to jobs because there are more of those who had more education opportunities and who the test scores show are scoring better and on paper look more qualified. That's why you have so many reverse discrimination cases around.

Dees' statements that he couldn't find any black lawyers and that white men were "the most discriminated people in America," are incongruous, coming from an alleged civil rights icon. The article also cited law center records that indicated that the organization's Teaching Tolerance unit, charged with promoting diversity in the K-12 classroom, was staffed entirely by whites.

Ken Silverstein's *Harper's* article noted that there were still no blacks in positions of authority as of 2000, and a review of SPLC online tax records from 2001 onward indicate that none of the highest paid executives have been persons of color. The SPLC website also indicates that 19 out of 20 of its senior program staff in Montgomery are white.

While Teaching Tolerance does not release the names of its staff, SPLC documents indicate that, except for a brief interregnum in 2009, its directors since its founding in 1991 have been white.

Lecia Brooks, the only African American on the SPLC's senior program staff, has been with the SPLC since 2004 and currently serves as both outreach director and director of the SPLC's Civil Rights Memorial Center. Despite holding two concurrent

directorships at the center, Brooks has never been named among the organization's highest paid staff, even in years when the lowest salaries listed dipped to \$70,000. Brooks' term as "interim director" of Teaching Tolerance is not listed in her organizational biography (SPLC, *Lecia Brooks*, 2016). Brook's directorships, like Julian Bond's "honorary presidency," may have more to do with public relations than with actual substance.

"Friendly Board"

All nonprofit organizations are required to have boards of directors in order to qualify for tax-exempt status. The National Council of Nonprofits defines the role of the directors as "...the fiduciaries who steer the organization towards a sustainable future by adopting sound, ethical, and legal governance and financial management policies, as well as making sure the nonprofit has adequate resources to advance its mission" (NCON, n.d.).

As fiduciaries, board members are charged with determining the organization's mission and purpose, selecting the chief executive (and providing periodical evaluation of same) and providing financial oversight, among other duties (Bridgespan, n.d.). As such, the board is expected to act independently of the organization's executives, acting in the best interest of the organization and its donors.

The February 19, 1994 installment in the Montgomery Advertiser series raises a number of ethical questions about the SPLC's board of directors. In *Friendly Board: Friends, associates fill board*, Dan Morse wrote that the SPLC's board up to that time had included friends of Morris Dees, past and present employees of Dees,' Dees' divorce lawyer and his personal physician, as well as Morris Dees himself. The Morse article

implies that a board composed of Dees' personal friends and former employees was not independent and quoted, among others, Julian Bond, Millard Fuller and National Charities Information Bureau President, Ken Albrecht, who shared Morse's concerns. "I think what you're talking about is a one-man show," said Albrecht.

Morris Dees denied those allegations, quoted by Morse in the article as stating, "Our board of directors runs the center," as did SPLC co-founder, Joe Levin, who was also serving as both president of the organization and chairman of the board at the time. "I ain't nobody's rubber stamp," said Levin. A letter dated February 23, 1972, from then-SPLC-President Julian Bond to prominent North Carolina politician, Martha Clappitt McKay, indicates otherwise. Bond, who was tasked early on by Morris Dees with submitting a list of names of prominent civil rights activists, "mostly from the south," to compose the center's first board of directors (Fidlow, August 19, 1971), was responding to McKay's earlier letter complaining that she was "...sick unto death of seeing all of these male dominated boards..." (McKay, 1972). Bond's reply, apologizing for the composition of the board, closes with the statement that, "It's no consolation, I'm sure, but it's not a real Board, in that it has no decision making ability [sic], and is purely advisory" (Bond, February 23, 1972).

Contemporary defenders of the SPLC often point to the organization's current board of directors as proof of its commitment to the diversity that is otherwise lacking in the organization's leadership. A review of the 16 board members pictured on the SPLC website indicates that two of the four African Americans on the board are listed as "Emeritus," including Patricia Clark, who resigned from the board in 2010, and the late Julian Bond. In total, six of the members listed are no longer serving but their inclusion

on the web page gives the impression that the board is larger and more diverse than it actually is (SPLC, *Board of Directors*, 2016). Among the current members are former SPLC staffers, Jocelyn Benson and Howard Mandell, Morris Dees' divorce lawyer, who was profiled as a sitting board member in Morse's 1994 article.

It would appear that far from running the center, as claimed by Morris Dees, the SPLC's current board of directors continues an unbroken legacy of serving in a purely advisory role, as noted by Julian Bond. Such a crony-laden body may lack the ability to make any real contributions to running the Southern Poverty Law Center and casts one more doubt on the objectivity of the information it produces.

“A Very Rough Measure”

Having reviewed the early history of the Southern Poverty Law center and examined some of the fundraising and public relations techniques employed by Morris Dees, this paper will now take a closer look at the actual data the SPLC produces and disseminates, and the uses to which that information is put.

To recap, the SPLC's sole criterion for its “hate group” designation is that Group X “attacks or maligns an entire class of people, typically for their immutable characteristics.” While Group X may have a documented history of making overtly racist, homophobic or simply unpopular (to certain audiences) comments about other groups, this is the extent of the SPLC's “hate group” designation. Any claims beyond “Group X says negative things about Group Y” are implied by the primary users of the SPLC's data, such as the media, law enforcement and the SPLC itself, exceeding the scope of the SPLC's extremely elastic definition, usually with some financial goal, such as attracting advertisers, justifying public funding and outright fundraising in mind.

The SPLC receives no external review or oversight. Inclusion on the hate group list is at the sole discretion of the SPLC. Other than overwhelming public criticism, such as that which followed the designation of brain surgeon and then-U.S. presidential candidate, Dr. Ben Carson, as an “extremist” for his religious views on same-sex marriage, there is no formal mechanism for appeal or removal from the list. Carson was removed from the extremist list only when the public outcry grew too large for the SPLC to ignore (SPLC, February 11, 2015).

The SPLC provides no information on its designated groups that researchers or journalists could use to verify the size or even the very existence of those groups. In many cases, the SPLC does not even identify a known city or town where the alleged group is believed to be located. In many cases, the “group” exists as nothing more than a post office box or one-man website.

The SPLC’s methodology is imprecise and unscientific. A 2009 article in the Appleton (WI) *Post-Crescent* reported that, “Mark Potok, who has directed the SPLC’s Intelligence Project for 12 years, said the report relies on media, citizen and law enforcement reports, and does not include original reporting by SPLC staff” (Potok, July 6, 2009).

It should also be noted that the *Hate Map* is published every spring and represents the SPLC’s group count for the previous fiscal year. Given that hate groups routinely rise and fall, even by the SPLC’s reckoning, there really is no reason for the *Hate Map* to be static in today’s online world. Groups that cease to exist after the map is published in March continue to be counted throughout the entire year. Conversely, if a hundred new groups arose in April, the public would not become aware of them for another eleven

months. News and other informational websites are updated daily and even hourly and, given the SPLC's growing web and social media staff, there are no technical reasons for the *Hate Map* not to become dynamic as well, if its intent is to provide information about potentially dangerous threats.

In actuality, the purpose of the *Hate Map* count is to provide a fixed talking point for SPLC publications. Referencing totals from the previous year provides a *fait accompli*, a hard fact, upon which to base SPLC claims. A dynamic map would not only allow new groups to learn of their inclusion on the list in real time, but would also allow them to challenge those claims in real time. A group included on the static map can be reliably referenced for the entire following year.

The *Hate Map* purports to identify the number of hate groups across the United States, on a state-by-state basis.



Figure 1. SPLC Hate Map (2016). Source: Southern Poverty Law Center.

The map is interactive to the extent that users can click on individual states to identify

hate groups alleged to exist in their local region.

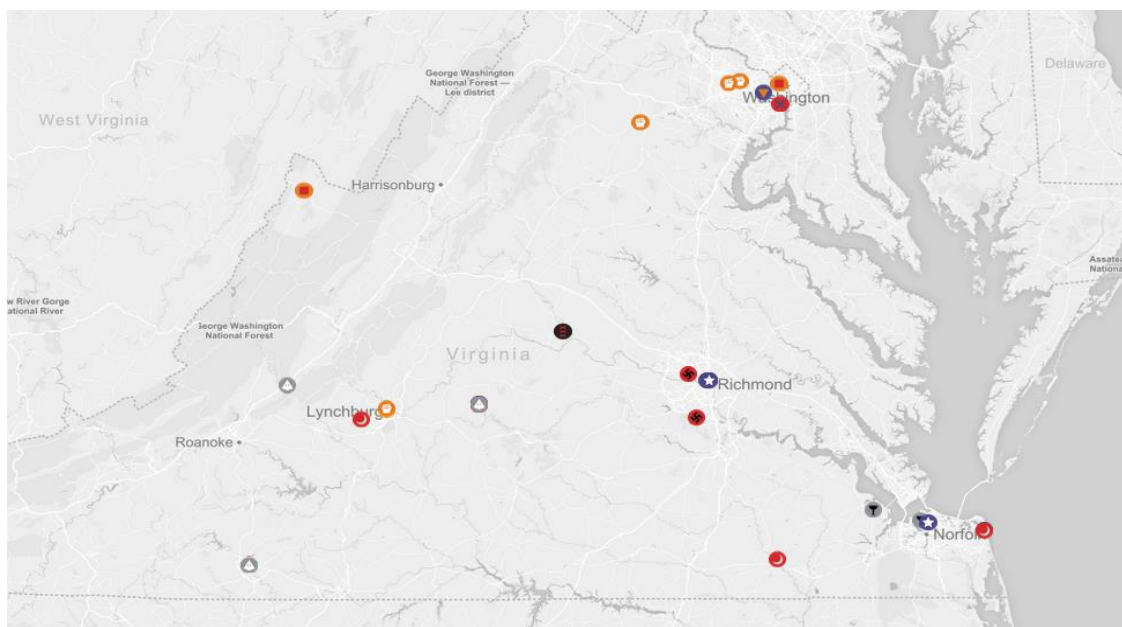


Figure 2. SPLC Hate Map for Virginia (2016). Source: Southern Poverty Law Center

It is at the statewide level that accuracy of the SPLC’s hate group count is clearly called into question, as many of the alleged groups are not affiliated with any known city or town that could be used by a researcher to verify the existence of the group.

In previous *Hate Maps*, these groups would simply be identified by name and state, as with the American Nazi Party in this example, but as of the 2016 map, the creators have inserted the term (statewide) in place of the empty location slot. Whereas a brick-and-mortar business like the Virginia Publishing Company will have a fixed address that can be definitively verified, researchers can only take the SPLC’s word that the “statewide” groups actually exist.

While the lack of a fixed address does not necessarily mean that an alleged hate group does not exist within a state, the responsibility for proving the claim lies with the

organization making the claim. Those groups lacking any verifiable confirming information should be removed from any list used for research purposes. In the most recent iteration of the *Hate Map*, 175 of the 892 groups claimed are unaffiliated with any known city or town, or 20% overall.

Laird Wilcox and the SPLC

Laird Wilcox is a veteran researcher of interest groups on both the left and right of the American political spectrum who has written extensively on the Southern Poverty Law Center and other advocacy organizations. Wilcox compiled annual guides to these interest groups from 1979 to 2000, verifying each group's contact information prior to publication (Wilcox, 1991, 1991b). His growing collection of more than 10,000 books and 100,000 pieces of ephemera is housed in the Wilcox Collection of Contemporary Political Movements at the University of Kansas, in Lawrence, dates back to 1965 (University of Kansas, n.d.).

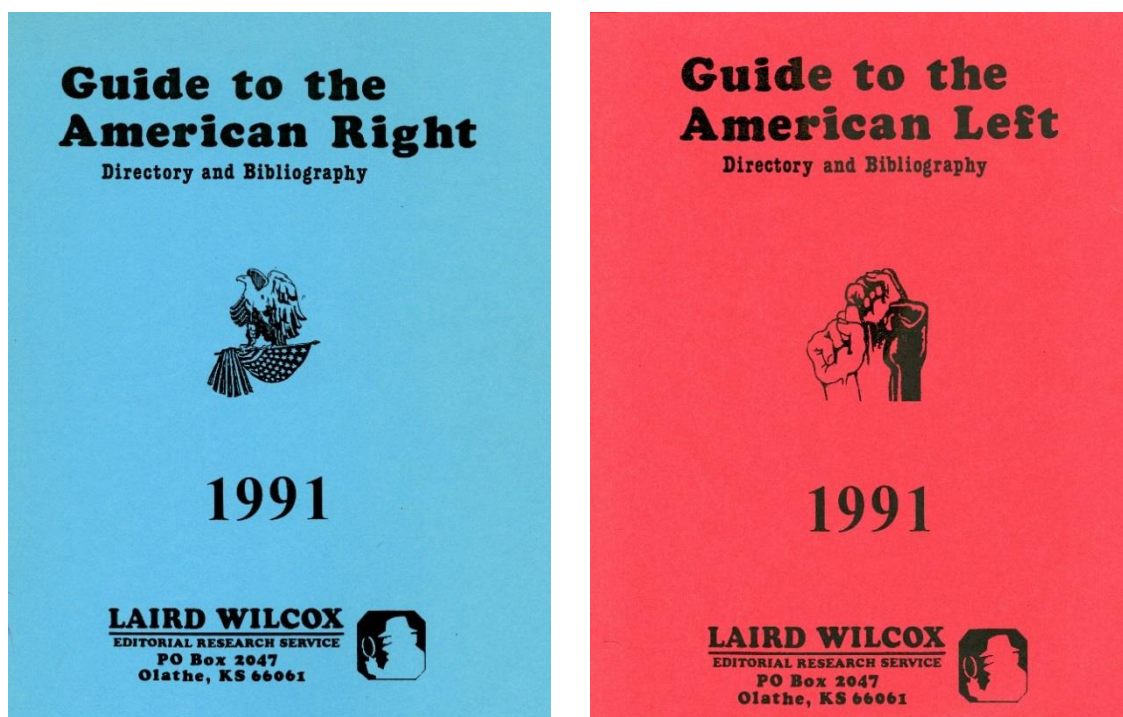


Figure 3. Wilcox Guides to the American Right and Left (1991).

Scientists Inst Pub Inform	G 335 Lexington Ave	New York, NY	10017
Sea Shepherd Conservation	E PO Box 7000-S	Redondo Bch, CA	90277
Sedition Committee	M PO Box 1418	New York, NY	10025
Seneca Womens Encampment	F 5440 Route 96	Romulus, NY	14541
Seventh Generation	E General Delivery	Colchester, VT	05446
Sharecroppers Fund	G 2124 Commonwealth Ave	Charlotte, NC	28205
Sierra Club	E 330 Pennsylvania Ave, SE	Washington, DC	20003
Sierra Club	E 730 Polk St	San Fran, CA	94109
Sierra Club Legal Def Fund	E 2044 Fillmore St	San Fran, CA	94115
Silence One Silo Campaign	E PO Box 7282	Missoula, MT	59807
Skin Heads Against Racism	R PO Box 56956	Sherman Oaks, CA	93023
Slingshot	A PO Box 4157	Berkeley, CA	94704
Social & Ecolog Resp Geog	G Geo Dept. U Cincinnati	Cincinnati, OH	45220
Social Investment Forum	G 711 Atlantic Ave	Boston, MA	02111
Social Resp Investing Group	G 127 Peachtree St., NE	Atlanta, GA	30303
Social Rev Anarch Front	M PO 11966	S.L.C., UT	84147
Social Workers For Peace	D 1110 Fairview Dr	Columbia, SC	29205
Socialist Action (HQ)	M 3435 Army St., #308	San Fran, CA	94110
Socialist Labor Party (HQ)	M 914 Industrial Ave	Palo Alto, CA	94303
Socialist Party (HQ)	M 516 W 25th St. #404	New York, NY	10001
Socialist Workers Party HQ	M 14 Charles Lane	New York, NY	10014
Soldiers and Strikers	M PO Box 40159	San Fran, CA	94140
Solid With Bolivian People	M 33 West 17th St	New York, NY	10011
Solidarity (HQ)	M 7012 Michigan Ave	Detroit, MI	48210
Source Net	G PO Box 6767	Santa Barb, CA	93111
South & Cent Amer Ind Info	H PO Box 7550	Berkeley, CA	94707
South Africa Liberat Supp	M 138 Berkeley Place	Brooklyn, NY	11217
South End Press	M PO Box 7816	Edison, NJ	08818
Southern Africa Media Proj	G 630 Natoma St	San Fran, CA	94103
Southern Coal Jails & Pris	G PO Box 120044	Nashville, TN	37212
Southern Organizing Comm	R PO Box 811	Birmingham, AL	35201

Figure 4. Excerpt from Guide to the American Left (Wilcox, 1991)

Writing in his definitive work on hate group advocacy organizations, *The Watchdogs*, Wilcox commented on the many unaffiliated groups on the SPLC's *Hate Maps*:

What [the SPLC] apparently did was list any group they could find mention of, including groups only rumored to exist. These included the large number of "post office box chapters" maintained by Klan and skinhead organizations. Some Christian Identity "ministries" consist of only one person and a mailing list and many "patriot groups" consist of but three or four friends.

They also listed many groups whose actual affiliation is neither KKK nor neo-Nazi and who would argue with the designation of "white supremacy." In short, they misleadingly padded their list.

When the SPLC releases their list, either in print or on the Internet, it fails to contain actual addresses that might be checked by journalists or researchers. Several listings refer to "unknown group" and the name of a city or town (Wilcox, *The Watchdogs*, p. 79).

In 2015, shortly after that year's *Hate Map* designated 40 hate groups in New Jersey, giving it the fourth highest total in the country, Mark Pitcavage, Director of Investigative Research at the Anti-Defamation League, publicly reiterated Wilcox's "padding" claims in the *South Jersey Times*:

According to Mark Pitcavage, director of investigative research at the Anti-Defamation League (ADL) the SPLC has a habit of counting single individuals as groups or chapters, which can give a skewed impression of hate groups in any given state. "The [SPLC's] list is wildly inflated," said

Pitcavage. “They list skinhead groups in places where there are no organized groups, but instead it’s just a couple of individuals” (Laday, 2015).

In 2010, Wilcox sat for an interview with a writer from the *Social Contract Journal*, for inclusion in an issue entirely dedicated to the examination of the Southern Poverty Law Center. Although the SPLC has designated the Social Contract Press as a hate group for its views on legal and illegal immigration, and has dismissed Wilcox as having “an ax to grind,” Wilcox, who describes himself as a liberal, has nothing to gain by critiquing the methods and actions of the SPLC. Wilcox produced guides to fringe groups on either political extreme for more than two decades, confirming the existence of each group personally. Wilcox’s observations in the *Social Contract* interview underscore many of the main points of this paper. Regarding the SPLC’s hate group methodology

The Southern Poverty Law Center acquired my guides and incorporated many of my listings in theirs, but there was a huge difference: their lists had no addresses so it’s very difficult to actually check them out. The SPLC has listings I had never heard of and I know this area pretty well. Even my own contacts in various movements had never heard of some on SPLC’s list. After 1995, I had calls from police agencies trying to locate some of the SPLC’s “hate groups.” They couldn’t find them either. I concluded that a lot of them were vanishingly small or didn’t exist, or could even be an invention of the SPLC.

Regarding his first awareness of the SPLC as an “anti-racist watchdog” organization:

About the time they emerged on the scene. Initially, the ideas implied by the name “Southern Poverty Law Center” sounded kind of appealing, like an organization

that would help poor people deal with their legal problems. After a few years it became apparent that it was nothing like that.

On assessing the SPLC's alleged political agenda:

In looking over their fundraising stuff, I could see that they were sensationalizing racial conflict issues, and when their reports on "extremist" groups began appearing it was obviously a bogus fundraising scheme that was into demonizing and blacklisting. It reminded me so much of similar operations that were aimed at leftists during the fifties and sixties, that I concluded it was basically modeled after them.

On the media's willingness to accept SPLC hate group data as valid:

What really needs to be done is for some major newspaper or network to take the SPLC's list and investigate a random selection of a couple hundred or so "hate groups" and publish what they find. I think you would have a major scandal. The media just rolls over for them. Anti-racism is a major industry today and to question the Southern Poverty Law Center is viewed as unsympathetic or even racist, in much the same way that questioning the [anti-Communist] Church League of America might have been viewed as unpatriotic forty years ago. This is a movement that has gone into an ideological overdrive and has developed many of the destructive traits that characterize moral crusades, including the demonization of critics and dissenters.

On the actual threat posed by alleged hate groups:

There was another phenomenon I noticed. Several racist groups published large numbers of local post office box listings, as in local chapters. When I tried to

check these out I found that many of them were false—the box was closed after one rental or that the mail was forwarded elsewhere. I think a lot of these never existed or were just some guy renting different post office boxes. I also received tip-offs that some of the right-wing groups I had listed were really intelligence-gathering operations with no objective membership, some by federal or state agencies and some by groups like the SPLC, which admits having informants throughout the far right. By the 1990s, these were becoming increasingly common. Even local anti-racist activists will frequently operate bogus groups just to see who responds. One of the reasons I stopped publishing my research guides, aside from burning out on the whole subject, was that I could no longer vouch for the authenticity of the organizations. The web finished this completely. A single person with web page skills can create a very impressive “hate” operation that exists nowhere except in cyberspace. The whole issue of “lists” is full of smoke and mirrors.

Regarding the SPLC’s motives, which may also be shared by other stakeholders, such as researchers and law enforcement agencies that rely on SPLC hate group data:

The dirty little secret behind the SPLC is that they actually need racial violence, growing “hate groups,” and more racial crime to justify their existence and promote their agenda. Read between the lines of what they keep pushing and you have to wonder if they’re not into wishful thinking or even trying to encourage something. If you approach the SPLC using a variation of classical game theory, you can see that with each violent act, additional “hate” group, and racial incident, the SPLC’s status improves. They have everything to gain: fundraising goes up,

they get more media exposure, their credibility increases, and their political usefulness to the far left surges. I'm not the only one saying this, by the way, but I think I'm the only one who speaks openly about it.

On the ethics of the SPLC's hate group designations:

When you get right down to it, all the SPLC does is call people names. It's specialized a highly developed and ritualized form of defamation, however—a way of harming and isolating people by denying their humanity and trying to convert them into something that deserves to be hated and eliminated. They accuse others of this but utilize their enormous resources to practice it on a mass scale themselves. Anyone attacked by the SPLC is basically up against a contest of resources, from the ability to engage legal counsel, to the access to fairness in media treatment, to the ability to survive the financial destruction of a reputation or a career. What they do is a kind of bullying and stalking. They pick people who are vulnerable in terms of public opinion and simply destroy them. Their victims are usually ordinary people expressing their values, opinions, and beliefs—and they're up against a very talented and articulate defamation machine.

For a veteran extremist group researcher as Laird Wilcox and for Mark Pitcavage, who is Mark Potok's opposite number and frequent collaborator at the ADL, to publicly accuse the SPLC, and map manager Potok by extension, of “wildly inflating” their hate group statistics, there must be some identifiable issue with the accuracy of Potok's count. It is worth noting that the 2016 *Hate Map* count for New Jersey dropped nearly by half, from 40 to 21 alleged groups, in large part by eliminating 14 chapters of the AC Skins.

2015			2016		
AC Skins	Abescon	NJ	AC Skins	Atlantic City	NJ
AC Skins	Atlantic City	NJ			
AC Skins	Brick	NJ			
AC Skins	Brigantine	NJ			
AC Skins	Camden	NJ			
AC Skins	Galloway	NJ			
AC Skins	Hamilton Township	NJ			
AC Skins	Little Egg Harbor	NJ			
AC Skins	Marmora	NJ			
AC Skins	Pemberton	NJ			
AC Skins	Pine Hill	NJ			
AC Skins	Somers Point	NJ			
AC Skins	Wildwood	NJ			
AC Skins	Woodbine	NJ			

Table 2. New Jersey Hate Group Count, 2015-2016

The obvious question is what became of the 14 AC Skins chapters that Potok identified on the 2015 *Hate Map*? Were they shut down overnight by the main chapter in Atlantic City (the “AC” in AC Skins) or did they ever exist at all? In either case, Mark Potok included them in his “definitive” hate group count for the year and those numbers were widely cited in countless news reports and research articles.

The AC Skins were not the only hate group to exhibit significant losses that year. Eight chapters each of the Free America Rally and White Boy Society on the 2015 map, all of which were unaffiliated, were entirely missing from the 2016 map. Mark Potok gave no explanation for the removal of these groups (Table 3).

2015				2016	
Free America Rally		CA			
Free America Rally		GA			
Free America Rally		ID			
Free America Rally		LA			
Free America Rally		MA			
Free America Rally		NY			
Free America Rally		OR			
Free America Rally		WA			
White Boy Society		AZ			
White Boy Society		CA			
White Boy Society		CO			
White Boy Society		IL			
White Boy Society		MO			
White Boy Society		VA			
White Boy Society		WI			

Table 3. Free America Rally and White Boy Society Counts, 2015-2016.

The Council of Conservative Citizens, the modern successor to the White Citizens Council that paid Morris Dees' legal fees for defending Klansman Claude Henley in 1962, dropped from 23 alleged chapters in 2015 to only ten in 2016. Seventeen entirely unaffiliated chapters of the Aryan Terror Brigade from 2015 were reduced to three chapters in 2016, although one had been assigned to Haddon Township, New Jersey (Table 4).

2015			2016		
Aryan Terror Brigade		AK	Aryan Terror Brigade	Haddon Township	NJ
Aryan Terror Brigade		CA	Aryan Terror Brigade		FL
Aryan Terror Brigade		FL	Aryan Terror Brigade		WV
Aryan Terror Brigade		KY			
Aryan Terror Brigade		LA			
Aryan Terror Brigade		MA			
Aryan Terror Brigade		MO			
Aryan Terror Brigade		NE			
Aryan Terror Brigade		NV			
Aryan Terror Brigade		NY			
Aryan Terror Brigade		OH			
Aryan Terror Brigade		OK			
Aryan Terror Brigade		OR			
Aryan Terror Brigade		PA			
Aryan Terror Brigade		VA			

Table 4. Aryan Terror Brigade Count, 2015-2016

The number of National Socialist Movement chapters dropped from 49 to 46 that year, overall, but the number of unaffiliated chapters remained at 29, or an incredulous two out of every three chapters across the country.

Perhaps the most egregious example of *Hate Map* padding occurred in 2011, when Mark Potok assigned 20 chapters of the Georgia Militia to that state. While the SPLC also maintains a separate count of alleged militia groups, this organization appeared on the *Hate Map* that year (Table 5). Of the alleged chapters listed, fully 90% of the total, 18 out of 20, were unaffiliated with any known location and were simply represented by 18 empty slots on the Georgia map key. Mark Potok provided no information on these chapters whatsoever, but all 18 empty slots were counted in the final hate group total for that year.

2011		
Georgia Militia	Blairsville	General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
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Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia	Camden County	General Hate

Table 5. Georgia Militia Count, 2011.

By 2012, the number of alleged Georgia Militia chapters had dropped to 14, with 12 unaffiliated chapters, one allegedly located somewhere in Camden County and one marked “Statewide” (Table 6).

2012		
Georgia Militia	Camden County	General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia		General Hate
Georgia Militia	Statewide	General Hate

Table 6. *Georgia Militia Count, 2012.*

Again, all 14 chapters were included in the final total for 2012. By 2013, the Georgia Militia had been removed from the *Hate Map* entirely, again begging the question as to how accurate the SPLC's information was to begin with. It should also be noted that, unlike the Ku Klux Klan, racist skinheads and neo-Nazis, which each have their own unique categories on the *Hate Map*, the SPLC assigned the Georgia Militia to a catch-all category of "General Hate." The General Hate category includes "Anti-LGBT, anti-Immigrant, Holocaust denial, racist music, and radical traditionalist Catholic groups. A final "other" sub-category includes groups espousing a variety of hateful doctrines (SPLC, *General Hate*, 2016)." As it is the SPLC that ultimately determines which doctrines are "hateful," the General Hate designation can cover numerous, unrelated groups with one blanket claim.

Another important catch-all technique is Potok's use of the "Statewide" designation, which allows his organization to claim the presence of a group within a state based on the flimsiest pretext and without providing any corroborating evidence of its

existence. As Laird Wilcox claimed, and as Mark Potok confirmed to the San Luis Obispo *Tribune* in 2009, “inclusion on the list might come from a minor presence, such as a post office box” (Potok, March 25, 2009).

On September 27, 2011, Mark Potok was invited to speak at James Madison University to commemorate the tenth anniversary of the 9/11 terrorist attacks in 2001. At the end of his presentation, “The State of Hate in America: The Radical Right Since 9/11” (Potok, September 27, 2011). I had the opportunity to ask Potok directly about the unaffiliated groups on his *Hate Map*. The question seemed to have caught Potok off guard, and in his response he touched on the accuracy of his hate group count and the “statewide” designation. Below is a transcript of the exchange in its entirety:

Question: Mr. Potok, every year your organization produces a “*Hate Map*” that purports to identify the number of “hate groups” in individual states across the country. This past spring, according to your accounting, the number was up to 1,002, but if you actually go in... if you Google the map and look at it..., 262 of those groups aren’t affiliated with any town or city or anything. They’re just kind of floating out there in limbo.

Mark Potok: Sure. Well, these aren’t... I mean, look, let me tell you a little bit about how we do the “hate group” map. I understand the criticism and it’s not an illegitimate criticism. Let me first of all say, that we do the “hate group” map and the counts, and so on, as a very rough measure... I’m not talking about the individual towns and such... as an attempt to get a feel for what the Radical Right looks like. Is it growing? Is it shrinking?

And so on. And, you know, I will admit right up front, I mean, is... are two groups with two people in them worse than one group with four people in them? Well, maybe not... it's the same thing. But, what we've seen historically is that counts do seem to... very clearly... go up and down... we now see it going up again and we can see it reflected anecdotally. What you are asking about, and it's true, we have a lot of groups that we can't identify in a town, and you know, I'll say we can't always... it's an imperfect process... because we're forced to... many times we know quite a lot about a group. Other times we don't know much more, uh, other than a particular Klan group... What those basically are, those are state-wide units... that's what those groups are... So, the Knights of the Ku Klux Klan might have a chapter in Harrison, Arkansas, they may have a chapter in another town, and so they might also have an Arkansas chapter, and in those cases, we don't know where the chapter is.

Q: But the media doesn't see it that way. They quote you verbatim, saying that there are 1,002 groups out there.

MP: Well, that's, that's what there are out there...

Q: But you can't locate them. You claim there are 221 Klan groups in the U.S., but you can't locate 109 of them.

MP: Sorry?

Q: You claim there are 221 Klan groups in the U.S., but you can't locate 109 of them. That's fifty percent. That's quite a discrepancy.

MP: You said it yourself, it's more like 20% of the overall numbers [unintelligible]. And I'm telling you... the reasons I'm not telling you it's not possible that some claims of some statewide group that doesn't exist. We're often looking at these groups... I mean, one of the criteria we use when looking at these groups... we're trying to separate out the real groups that really do things from one man and a computer [unintelligible]... In other words, separating out the real interest blogs... or, you know, a site on the Internet, from groups that actually do something. So one of the things we try to establish [unintelligible]... is that group active? Has it had a rally? Is it publishing? Propaganda of one kind or another? Can you join that group? Those kinds of things.

After conceding that the question was “not illegitimate,” Mark Potok made several important points about the *Hate Map* hate group count that directly undermine any claims of accuracy. Stating that his counts were anecdotal, “a very rough measure” and an “imperfect process,” Potok attempted to deflect the observation that the media accepted his claims that there were 1,002 hate groups in the country in 2010 as accurate and true even after conceding, by his own reckoning, that he could not locate more than 250 of them. “That’s what there are out there.”

Potok’s claim that the 262 unaffiliated hate groups on that year’s map were “statewide” chapters is equally dubious. By that accounting, that year the Georgia Militia would have had one chapter in Blairsville, one somewhere in Camden County and eighteen individual “statewide” chapters as well.

Potok further claims that his count excludes one-man blogs and other individual endeavors (“Can you join that group?” “Is that group active?”) and yet there are numerous examples of just such “groups” on every *Hate Map*, many of which fall under the category of “General Hate.” On March 13, 2012, Daniel Greenfield noted that his blog, clearly titled, “Sultan Knish. A Blog by Daniel Greenfield” had been designated a “hate group” by the SPLC (Greenfield, 2012).

Greenfield was amused that his clearly identified one-man blog was listed with other “active groups,” (“...because I jogged a few miles yesterday...”) such as Casa d’Ice, an Italian restaurant and bar “located on K-Mart Plaza in Allegheny County, Pennsylvania” (Ibid). In an article in *Esquire* magazine from November 2, 2016, Potok described the neo-Nazi website, The Daily Stormer, which is frequently referenced on the SPLC website, as “...mostly Andrew Angelin, his dog, and his computer” (Carpentier, 2016). All three one-man “groups” were listed on the 2016 *Hate Map*.

Over the years, Mark Potok has made numerous public statements that ought to give pause to any researcher or professional journalist considering taking the SPLC’s hate group claims at face value:

Potok acknowledged that some of the groups may be small and said it is impossible for outsiders to gauge the membership of most of the groups (Crary, 2008).

The Southern Poverty Law Center in Montgomery, Ala., estimates more than 100,000 followers among the various hate groups, though a spokesman [Mark Potok] concedes that the tally – from periodicals, news reports and police – is approximate. ‘The

numbers are absolutely soft,’ said Mark Potok, a Southern Poverty Law Center spokesman. ‘We are talking about a tiny number of Americans who are members of hate groups – I mean, infinitesimal.’ (Levinson, 1999).

The SPLC routinely promotes the Ku Klux Klan as an ongoing threat in its fundraising materials, listing 190 chapters on the 2016 map (49 of which are unaffiliated) yet Mark Potok has publicly dismissed the importance of the Klan since 2010:

The Klan of today is small, fractured, impotent and irrelevant. (Crisp, 2010). ‘The Klan is a sorry shadow of its former self. It’s common for the KKK to brag about big numbers, but usually they are largely outnumbered by the counter-protesters,’ Potok said. ‘Even on the white supremacist scene, the Klan is seen as less important today,’ he said. ‘They just don’t have the people to put on the street, no matter what they boast about,’ Potok said (Martin, 2010).

The 2011 *Hate Map* included 221 alleged chapters of the KKK (109 of which, as noted, were unaffiliated) and yet, within weeks of the map’s release, Mark Potok publicly pronounced the demise of the “Invisible Empire” for all intents and purposes:

But Potok said the Klan has disintegrated. ‘There is no Klan now,’ he said, ‘only a collection of squabbling organizations’ (Lambert, 2011)’ ‘The Klan today is weak, poorly led and without any sort of centralized organization,’ Mark Potok, a senior fellow at the Southern Poverty Law Center, told Vocativ. The SPLC tracks extremist groups like the KKK.

‘It’s even looked down upon by other hate groups – they look at them as these country bumpkins, and they’re generally right’ (King, 2016).

Clearly, Mark Potok and the SPLC view the Ku Klux Klan as a minimal threat, and yet the Klan is invoked in SPLC fundraising materials at every opportunity.

“A Black Man in the White House”

Considering how much time, effort and money the Southern Poverty Law Center has spent tracking the Ku Klux Klan over the decades, Mark Potok’s pronouncement that the Klan had “disintegrated” attracted little or no attention from the media. Given the hundreds of millions of donation dollars the SPLC has raised over the same period, by invoking the Klan in its fundraising materials and press releases, and the fact that the most recent *Hate Map* claims 190 Klan groups (a remarkable increase of 164% over the previous year) Potok’s report of the death of the Klan was either premature or greatly exaggerated. Or, since Potok’s hate group claims go entirely unvetted by the media and most researchers, he is ultimately the sole arbiter of the final KKK chapter count, to paraphrase Lewis Carroll, meaning exactly what he chooses it to mean, “Neither more nor less.”

This paper has cited many of Mark Potok’s contradictory public statements on hate groups, from claiming that the number of people involved in hate groups is “infinitesimal,” to the accuracy of his own *Hate Map* tool. What follows is an examination of some of Potok’s most widely repeated claims, which by their repetition create a public impression of Potok and the SPLC as experts on the subject of hate groups.

In the 2008 Holiday interview, Mark Potok makes this statement:

I think a lot of people feel, ‘Oh, groups like the Southern Poverty Law Center, they find, you know, the two hundred Nazis running around the country, they build them up into great big groups, they make a big deal about it and then ask for your money.’ Right? In other words, it’s kind of a scam. You hype up this little tiny threat into something scary, uh, and then go and try to make money off of it (Holiday, track 2).

Potok’s candid comment sums up the beliefs of “a lot of people” primarily because even when he does claim to “find two hundred Nazis running around,” he provides little or no evidence to support his claim, and, as his Georgia Militia and other hate group numbers previously discussed indicate, he cannot locate them on his own *Hate Map*.

One common persuasion technique Potok employs often in his materials is the use of statistics, based on his own data. Every year the *Hate Map* will cite the percentage by which the number of hate groups has allegedly increased since 2000. In the most recent iteration, the number of groups has increased by 48% since the turn of the century. Percentages are a popular device with persuaders because they imply significant change without examining the actual numbers involved. For example, any group on the *Hate Map* can be said to have “jumped by 100%” by climbing from one to two alleged chapters. Mathematically correct, but methodologically dubious. As Potok is the sole

arbiter of the hate group count, and he does not have to provide any proof of existence, he can set the totals at any level he chooses.

By the same token, it can be noted that the SPLC's cash endowment fund (98% percent of which is designated "unrestricted") has grown by 205% since 2002, based in large part by donations prompted in response to Mark Potok's annual *Hate Map* statistics.

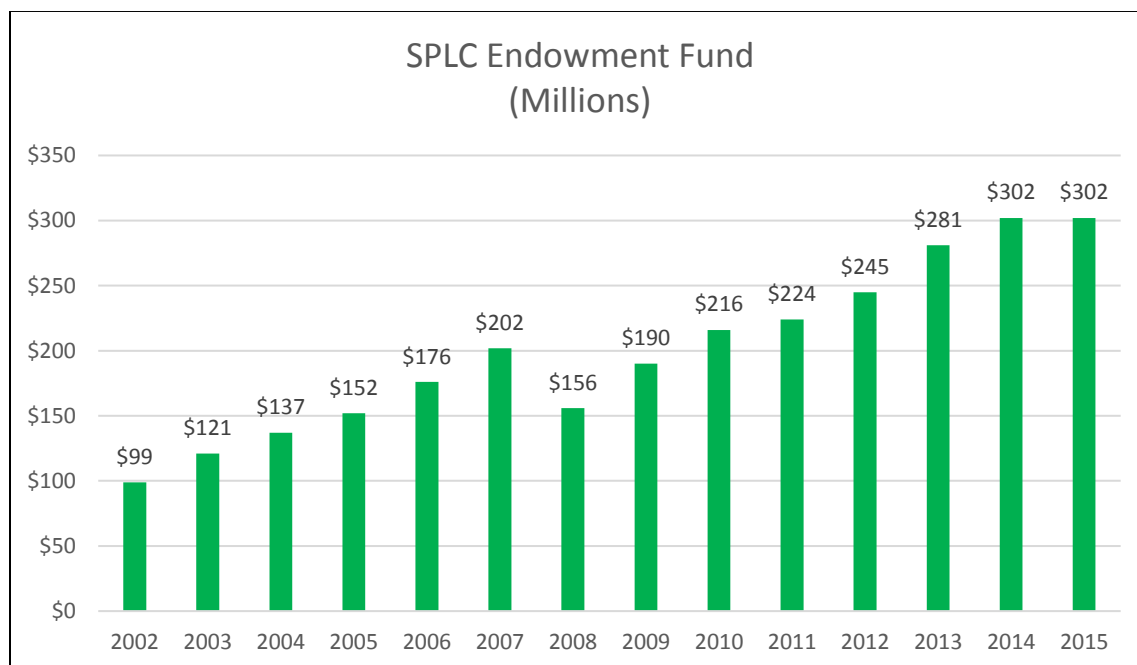


Figure 5. SPLC Endowment Fund by Year.

Another recurring theme in SPLC hate group materials has been Mark Potok's widely repeated claims of "explosive growth" in the number of hate groups since the 2008 election of Barack Obama as U.S. president. Potok's claim that the alleged growth was chiefly fueled by "a Black man in the White House and the tanking economy" is largely contradicted by his own statistics.

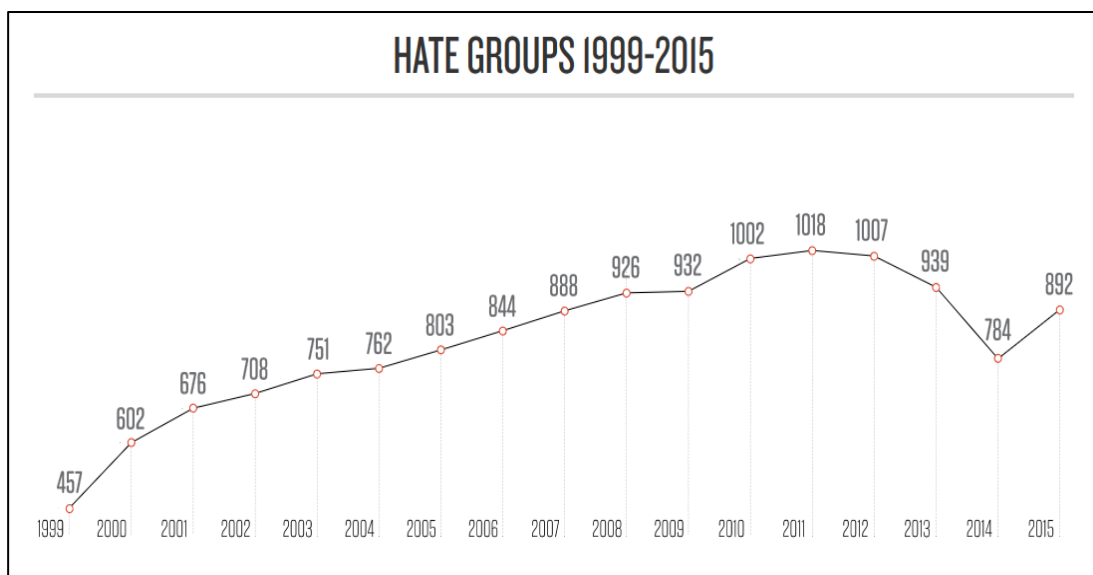


Figure 6. SPLC Hate Group Graph (2016). Source: Southern Poverty Law Center.

As shown on Potok's hate group graph (Fig. 6) in 2009, the first year of the Obama presidency and arguably the worst year of the Great Recession, the number of hate groups only increased by six, or about one half of one percent, and the smallest increase in SPLC history. Potok claimed 70 new hate groups for 2010, but in that same year the number of unaffiliated groups, including the Georgia Militia, increased by 99, which represents a net loss, overall. The number of hate groups increased by a modest 1.6% in 2011, from 1002 to 1016, yet this was the same year that Mark Potok declared the Ku Klux Klan to be "disintegrated." It seems unlikely that the nation's oldest and largest hate group would experience such a sharp decline in membership during a time of "explosive" racist sentiments.

From 2012 to 2014, following President Obama's successful reelection campaign, Potok's graph indicates a virtually unprecedented decline in his hate group count, from 1007 to 784, or a drop of more than 22%. Clearly, Mark Potok's prediction of "explosive growth" in hate groups doesn't stand up to his own numbers. Even if one accepts Potok's claims of 92 new hate groups forming between 2008 and 2012, ignoring that 99 new

unaffiliated groups were among his count, this 10% increase is completely wiped out by the 22% plunge coinciding with President Obama's second term. And yet, as recently as June 2016, SPLC President Richard Cohen was repeating Potok's claims in testimony before a Congressional subcommittee on terrorism, albeit without mention of the subsequent 22% plunge.

Recent Resurgence

Mark Potok's hate group graph (Fig. 6) concludes with a 14% increase in his hate group count between 2014 and 2015, from 784 to 892 groups in all. While this represents an increase of 108 groups in 2015, Potok's *Hate Map* indicates "explosive growth" in two particular categories, the Ku Klux Klan and Black Separatists, which account for a full 187 new groups between them, which did not exist on the previous year's map.

While Mark Potok and other SPLC representatives are widely quoted in the media warning of the "unprecedented expansion" of Klan groups by 164%," from 72 to 190, between 2014 and 2015, when compared with Potok's total of 163 Klan groups in 2013, the increase over the two-year period is 27 groups, or 17%. Nonetheless, many media outlets picked up on Potok's frequent claim that "the Klan has doubled in size" and repeated it in conjunction with the SPLC's claim of "a 14% jump in hate groups."

The question for researchers and journalists ought to be why the SPLC's director of intelligence slashed his 2013 Klan numbers in half in the first place? Ninety-one Klan groups the SPLC claimed existed in 2013 vanished overnight. Seventy-four Klan groups claimed in 2013 are not found on the 2015 *Hate Map*, indicating that any alleged growth is not a "resurgence" of old groups, but of groups that did not exist in 2013 or even 2014. Entire Klan groups that Potok warned of in 2013 simply disappeared, including the

Fraternal White Knights, (11 chapters) Knight Riders Knights of the KKK (12 chapters) New Empire Knights (12 chapters), and Southern Mountain Knights (5 chapters).

Other Klan groups simply appeared out of nowhere in 2015, such as the Militant Knights of the KKK (20 chapters, 12 unaffiliated), Original Knight Riders Knights (15 chapters, 12 unaffiliated), Texas Knights of the KKK (21 chapters), and Rebel Brigade Knights of the True Invisible Empire (6 chapters, 4 unaffiliated). Still other groups experienced extreme expansions or contractions, such as the Loyal White Knights, whose numbers collapsed dramatically from 46 chapters (32 unaffiliated) to 24 (12 unaffiliated) between 2013 and 2015, while the United White Knights allegedly grew from 7 chapters to 31 in the same period.

Texas, in particular, experienced a dubious tenfold expansion in Klan groups in 2015, from five to fifty, in just one year, due largely to the addition of the Texas Knights and the expansion of the United White Knights, with 13 Texas communities allegedly acquiring one chapter of each.

Given Mark Potok's recent pronouncements that the Klan has largely disintegrated, that his hate group counts are "a very rough measure" that may include post office boxes, or may be composed of a single individual, as noted by Laird Wilcox and by Mark Pitcavage of the ADL, and the wild swings in group counts from one year to the next, including as many as a hundred unverified, unaffiliated chapters, Potok's numbers cannot be taken as hard data.

The other category of hate group to show a significant increase in 2015 was Black Separatists, which allegedly grew from 111 in 2014 to 180 in 2015. The Black Separatist category is an aberration from the SPLC's general message that hate groups are a largely

white phenomenon, and so the organization provides a somewhat reluctant justification for its inclusion on the list:

Although the Southern Poverty Law Center recognizes that much black racism in America is, at least in part, a response to centuries of white racism, it believes racism must be exposed in all its forms. White groups espousing beliefs similar to black separatists would be considered clearly racist. The same criterion should be applied to all groups regardless of their color.

The SPLC asserts that the growth in black hate groups in 2015 was driven in large part by the series of high profile killings of black suspects by white police officers, and Mark Potok's numbers indicate a moderate expansion of several militant black groups, such as the New Black Panther Party, the Nation of Islam and the Black Liberation Riders Party. Nearly three-quarters of 2015's growth stems from the addition of two new "Black Hebrew Israelites" groups, Israel United in Christ (33 chapters) and the Israelite School of Universal Practical Knowledge (11 chapters), as well as the expansion of the All Eyes on Egypt [sic] Bookstore chain from four to ten outlets.

Among the reasons given for including Black Hebrew Israelites on the *Hate Map* are that many oppose integration and intermarriage, and that they "assert that blacks are the Biblical 'chosen people' of God" (Ibid). While it seems unusual for a supposedly secular, Progressive law center to weigh in on a purely religious claim, this stand may resonate with many of the SPLC's donors.

Another incongruity in the hate group list that goes unreported, is that by SPLC accounting, black hate groups make up the second largest category in the nation overall,

and yet when the unverified, unaffiliated groups are stripped out (Fig. 7), black hate groups not only significantly outnumber the Ku Klux Klan outright, but also outnumber all neo-Nazi, racist skinhead and white nationalist groups *combined*.

Ku Klux Klan	190 – 49 = 141
Neo-Nazi	94 – 49 = 45
Skinheads	95 – 45 = 50
White Nationalists	95 – 18 = 77
Black Separatists	180 – 6 = 174

Figure 7. Black Separatists

If journalists and researchers are to take the SPLC's hate group count at face value, and if those groups, designated solely by the SPLC, are deemed to represent a real or imagined threat to society, then one cannot simply ignore the SPLC's inconvenient conclusions that black groups represent the largest of these existential threats. Outside of overtly racist publications, no serious scholar would make that claim and to even infer such could have a demonstratively negative effect on SPLC fundraising efforts as it would offend a large portion of the donor base. Black hate groups are included in the overall *Hate Map* count to bolster the numbers, but are often quietly ignored in most hate group reporting and research.

Hate Group Counts and the Media

The Southern Poverty Law Center has developed a robust mailing list of hundreds of thousands of donors and potential donors who receive regular updates, magazines and newsletters electronically and by direct mail. Teaching Tolerance states that it reaches more than 400,000 teachers a month by email. While these are impressive numbers, any organization reliant on external donations must continuously build its donor base through advertising and outreach. This advertising and outreach is especially important for an organization like the SPLC, whose donors are often older and elderly, and whose numbers predictably decline each year with the passage of time.

One of the best methods for reaching new donors is through the media. People learn of the SPLC's latest reports on the evening news, on the car radio, in newspapers, or through countless online websites, blogs and social media. Mark Potok and other SPLC officers are routinely interviewed and widely quoted. As noted, many of these articles come from SPLC-produced press releases and are generally repeated verbatim without any vetting or verification of the accuracy of the claims being made. It may be understandable how private blogs and special interest outlets would willingly perpetuate SPLC claims that bolster their own agendas, but SPLC materials are cited by most of the major media sources, including the *New York Times*, *National Public Radio*, all three American broadcast television networks, *Newsweek* and *Time* magazines, the *Wall Street Journal* and the *British Broadcasting Corporation*. These established media outlets have a strong interest in maintaining their corporate reputations as purveyors of accurate information, and yet, as this paper has demonstrated, SPLC claims are often unproven and unsubstantiated.

One of the main factors for the acceptance of SPLC press releases as factual is the organization's carefully crafted reputation. Over the decades, the SPLC has billed itself as a non-profit civil rights organization that "fights hate and intolerance." Every SPLC press release will include some reference to that effect, which is ultimately repeated by a trusted media outlets. As many media outlets look to each other for news content, it is not uncommon for one outlet to see SPLC materials cited by another trusted outlet and simply assume the information is reliable. Through this continuing process of repetition, or "compounding," the SPLC has gradually accreted a patina of authority and expertise, and so its claims will go unchallenged.

The bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, brought a new opportunity for the Southern Poverty Law Center to reach a national audience. As the largest terrorist attack on U.S. soil at that time, the bombing naturally drew intense scrutiny from law enforcement officials and the media. Initial reports suggested that the attack was the work of Islamic fundamentalists, possibly linked to the group that bombed the World Trade Center in 1993. When the FBI traced the rental truck used in the bombing to a 27-year-old Gulf War veteran, Timothy McVeigh, who had no ties to radical Islam, the media were at a loss to explain the chain of events that led to the deaths of over 160 men, women and children.

Criminal Justice Professor Steven Chermak described the process that followed in his book, *Searching for a Demon: The Media Construction of the Militia Movement* (Chermak, 2002). Though Timothy McVeigh acted as a prototypical "lone wolf," albeit with the aid of at least one co-conspirator, Terry Nichols, who helped with the building of the truck bomb, his actions and anti-government statements in the years leading up to the

attack were very similar to those of several militia groups operating in the country at that time. McVeigh had contacts within the Militia movement, but was not a member of any known group. McVeigh claimed that he bombed the Murrah building in retaliation for increasing attacks by the federal government against its own citizens, culminating in the 1992 standoff at Ruby Ridge, Idaho, and at the raid on the Branch Davidian compound in Waco, Texas in 1993, both of which resulted in the deaths of innocent women and children (McVeigh, 2001).

Chermak writes that with few other leads to work with the media latched on to McVeigh's tenuous militia ties, and with very little information available about those organizations available, they turned to the same advocacy sources who had regularly provided information on hate groups, namely the Anti-Defamation League and the Southern Poverty Law Center. The SPLC maintains a list of alleged militia groups which is only slightly more reliable than its hate group list, as many militias have fixed addresses that can be verified. As previously noted, Mark Potok admitted to David McCrary, though, that "it is impossible for outsiders to gauge the membership of most of the groups," his numbers are as much of a "rough estimate" as he noted at James Madison University and carry the same burden of proof as his Georgia Militia claims from 2011 and 2012.

Other than the dearth of information from non-advocacy sources, Chermak cites several reporters who give plausible reasons why the media are willing to accept the SPLC's militia numbers as readily as they do its hate groups numbers, and the same reasoning applies to both data sets:

Reporters are essentially lazy creatures, and most of their inability to get things right, particularly about movements that they don't understand, comes from their use of self-appointed experts who also either don't know what they are doing or have an agenda. It's not some sort of conspiracy to not print the truth, but they have a deadline (p. 92).

For example, in their Rolodex under militias, they have the Southern Poverty Law Center. The Southern Poverty Law Center has presented themselves over the years as the recognized experts in the area of militias (Ibid). [An unnamed reporter states that the SPLC] are good sources for me. Their research is impressive.

Some reporters are afraid that they sensationalize too much, but most of their stuff they back up pretty well (p. 93).

Much of the SPLC's perceived expertise in the area of militias stems from a 1996 book produced by Morris Dees and James Corcoran (Dees, 1996). In *The Gathering Storm: America's Militia Threat*, Dees claims his information comes directly from dozens of anonymous sources on the "far-right" and undercover operations "that I cannot reveal" (p. xiii). The 254-page book fails to include a single verifiable citation. Like the SPLC's hate group count, readers are obligated to simply take Dees' word for it.

Chermak further notes that reporters find advocacy group online databases, such as Mark Potok's *Hate Map* and Mark Pitcavage's *Militia Watchdog* site for the ADL, to be useful sources of quick, easy-to-understand information. The websites often include direct quotes and colorful graphics that can be easily copied and pasted into an article or video. The fact that the information comes from recognized sources, such as the SPLC

and ADL, is usually sufficient to satisfy most editors without the need to vet the claims (Ibid).

Another key factor cited by Chermak is the ease of access to the self-proclaimed experts. While law enforcement officials and academics may actually have more reliable information regarding specific groups, locating those sources is time consuming, as is arranging interviews. Additionally, law enforcement agencies may be circumspect in their responses, avoiding speculations, and academics are often too broad or too technical in their approach, making it difficult to condense their responses into simple sound bites that can be understood by wide audiences (p. 95).

As mentioned, the SPLC has a team of skilled public relations professionals who specialize in breaking the organization's claims into convenient, media-friendly segments. The SPLC also maintains state-of-the-art audio and video facilities that allow Mark Potok and other experienced spokespeople to conduct live radio and television interviews at a moment's notice. This is significant when working against hard deadlines, as Chermak also notes, "it's whoever calls you back the quickest that gets in there" (Ibid). In short, reporters and journalists can often get all the content they need from the SPLC without ever leaving their desks.

At this point in his text, Chermak recounts many of the criticisms of the SPLC and its data collection methods, including the *Montgomery Advertiser* series and the several articles written by Ken Silverstein for *Harper's*. "News of a declining Klan does not make for inclining donations to Morris Dees and Co.," Chermak quotes Ken Silverstein, "which is why the SPLC honors nearly every nationally covered 'hate crime' with alarums full of nightmarish invocations of 'armed Klan paramilitary forces' and

“violent neo-Nazi extremists” (Silverstein, 2000). Silverstein elsewhere notes that Morris Dees’ frequent use of such hyperbolic “alarums” has made his organization “richer than Tonga” and several other nation states (Silverstein, 2007).

Chermak also identified concerns over the SPLC’s methodology behind its militia counts, especially as

Some of the SPLC’s estimates, published in various newspapers... about the militia threat grew dramatically in a relatively short period of time... after the [Oklahoma City] bombing, the estimate grew to 224 groups in 39 states by June, and 340 groups by September... the number grew to 950 in all 50 states by the end of the year (pp. 125-126).

This alleged quadrupling of militia groups over an eight-month span presents many of the same credibility issues as do the SPLC’s widely fluctuating hate group counts. As Chermak’s colleague and frequent co-author, Joshua D. Freilich, observes, the SPLC does not provide any definition for the term “militia” whatsoever and “does not specify whether a militia/patriot group must be composed of a minimum number of individuals or conduct specific types of activities (aside from military training or encouraging others to do so) to be labeled such a group” (Freilich, 2006). With no fixed definition of the term and no external oversight or review of its claims, the SPLC has a free hand to set the number of militias, or hate groups, at any level advantageous to its organization.

Another factor for the widespread acceptance of Southern Poverty Law Center hate group information by the media is bias, both as a business decision and on a personal level by individual journalists. While print media, such as newspapers and magazines, have always written with a particular audience in mind, American broadcast media were

held to a different standard for nearly forty years by the Federal Communication Commission (FCC) due to the limited number of frequencies available. Under the Fairness Doctrine (1949-1987), broadcasters were required to provide air time for competing viewpoints as a public interest and as a condition for retaining their licenses. FCC rules also limited the number of stations a single company could own and the percentage of market share it could control. While some broadcasters challenged the Fairness Doctrine on First Amendment rights, the U.S. Supreme Court upheld the doctrine's constitutionality.

When the rule was repealed in 1987, consumer advocate Ralph Nader warned in the *New York Times* that

‘The fairness doctrine is not only constitutionally permissible, it is constitutionally required,’ Mr. Nader said. Its repeal, he added, means that broadcasters ‘can ignore crucial issues or present only one side’ of debates, and that news judgment will increasingly reflect a business orientation (Hershey, 1987).

Although the subsequent expansion of cable television stations and the then-undreamed-of advent of the Internet has rendered the reasoning behind the Fairness Doctrine moot, Nader’s prediction of a profit-driven news media has become reality. Broadcast networks soon adopted the targeted demographic strategies of their print counterparts and today networks such as MSNBC and Fox News, and their online and radio counterparts, unabashedly court liberal and conservative viewers, respectively. As a result, press releases produced by the Southern Poverty Law Center, which have always been written with a Progressive audience in mind, are likely to find warm reception in certain venues.

This is no conspiracy; it is simply the age-old business practice of selling the consumers what they want to buy.

It is also worth noting that millions of Americans, including Baby Boomers and their parents' generation, who lived during the years of the Fairness Doctrine, came to see broadcast news as fair and unbiased. For many of these now older and elderly people, broadcast news was delivered by "hard journalists," such as Chet Huntley, David Brinkley, and Walter Cronkite, who gained the viewers' trust. This older demographic, which also make up the largest segment of SPLC donors, are more likely to accept what they hear from the media without judging the accuracy of the information.

Communication ethicists have noted the shift from "hard news" to "infotainment" over the decades following the repeal of the Fairness Doctrine that reflects much of the coverage of SPLC claims in the media. David Berry quotes Tom Rosenetiel's observation that "intense commercial pressures on 'serious' news media as being responsible for adversely affecting reporters' ability to seek out the 'truth' of various events," and Carol Reuss' claim that

Infotainment media too often stretch the truth and give false perceptions of reality. To entice audiences and to fit the constraints of media time and space, they rely heavily on stereotypes, exaggeration, half-truths, and innuendo that impressionable audiences accept as reality (Berry, 2003, p. 232).

Journalists and commentators may also exhibit personal biases in their work, which often align with similar biases held by many members of their audience. One prime example of this behavior occurred in March 2011, as reported by Frances Martel of the *Mediaite*

blog, when MSNBC host Cenk Uygur was referencing the latest SPLC *Hate Map* numbers on the air.



Figure 8. MSNBC Graphic.

Uygur quotes Mark Potok’s claim that hate groups had reached a record high total of 1,002 that year, adding, “Congratulations, America,” before citing individual numbers from an on-screen graphic (Fig. 8):

‘Topping the list,’ he began, ‘[are] the Ku Klux Klan with 221 groups.

They are followed with Neo-Nazi groups with 170 groups, and’— at this point Uygur stops for a beat, before ending the list with ‘that doesn’t make any sense’ (Martel, 2011).

Uygur’s unwillingness, or perhaps inability, to accept the SPLC’s claims that black hate groups were the third largest category on the 2011 *Hate Map* demonstrates a definite personal bias on his part. This is further confirmed by the fact that, after abruptly ending his recitation of *Hate Map* numbers, Uygur immediately cut to a live interview with Mark Potok from the SPLC television studio in Montgomery. During the next three minutes of unrehearsed conversation, neither man mentions the black hate group statistic. If Cenk

Uygur was genuinely baffled by the inclusion of so many black groups on Potok's *Hate Map*, he had the ultimate opportunity to question the man responsible for the hate group count, but did not. If Mark Potok, who witnessed the aborted recitation live, had wished to explain or defend his black hate group count, he did not, choosing instead to sidestep his own inconvenient statistic. As noted previously, Potok's statistic becomes even more inconvenient when 191 unaffiliated groups are stripped out, as was done in Figure 7, revealing that according to the 2011 *Hate Map*, black hate groups outnumbered the Klan, neo-Nazis, and white nationalists respectively. Clearly a result that Cenk Uygur would find even less acceptable.

Bias is an innately human response, and journalists, commentators and reporters have other motivations, such as the need to meet hard deadlines and to appeal to a targeted audience for commercial purposes, so their acceptance of SPLC claims is in some ways logical and understandable.

Hate Group Counts and Academic Researchers

Academic researchers have many of the same motivations for accepting the Southern Poverty Law Center's hate group numbers as do the media. Academics, especially those seeking tenure, are expected to engage in research and have their results published in the major journals for their particular field. Academic journals are under similar production deadlines as other serial publications and are therefore in need of new content on a regular basis.

The ease of access to SPLC quotes, charts and other media that make them an attractive source to news venues make them equally useful to any publications that feature eye-catching graphics. Academics, being human, are also vulnerable to bias, and

in the fields that study human behavior, such as sociology, psychology and political science, qualitative data, which may be subject to a degree of interpretation, are often more acceptable than in the so-called “hard science” fields that demand measurable, quantifiable data, such as chemistry, physics or astronomy.

A review of academic articles that have been based on SPLC data reveals a wide range of disciplines, including such journals as *Journal of Social Issues*, *JQ: Justice Quarterly*, *ETC: A Review of General Semantics*, *Journal of Psychology* and the *Eastern Economic Journal*. The same repetition or compounding of SPLC data that occurs in the media can also be found in academia, where one researcher encounters SPLC claims in numerous previous studies, often originating from prestigious institutions or republished in the trusted media, and concludes that the data must have been verified at some earlier time.

A prime example of this compounding is found in a 1999 article written by Jefferson and Pryor and published in the journal *Economics Letters*. In *The Geography of Hate*, the authors base their study on the SPLC’s “exhaustive list” of hate groups in an effort to determine if there is a correlation between the occurrence of a hate group in a given county and the level of “intolerance” within the county as a whole. While the article never actually defines the intolerance the researchers are investigating, they state unconditionally that “We assume that the presence of such groups signals intolerance,” from the outset, while qualifying that assumption in a footnote that reads: “If this assumption does not hold, of course, the point of the exercise is lost” (Jefferson, 1999, p. 390).

At the conclusion of their study, Jefferson and Pryor determined that “The existence of a hate group in a community may reflect an extreme level of intolerance only by particular members of the community,” and not of the county as a whole. The authors further note that “In none of the statistical experiments for the other variables that we tried singly or in combinations did we obtain statistically significant and robust results” (Ibid). In short, the “intolerance” the researchers were seeking, the “point of the exercise,” as they put it, was not found as predicted.

Despite the conclusions reached by Jefferson and Pryor, and their own admission that “We have no way of judging the quality of the list produced by the SPLC” (Ibid), which is to say, that “exhaustive list” upon which their entire study was based, Google Scholar indicates that their study was cited in 40 subsequent studies, which were subsequently cited in more than 1,500 other articles. Nearly all of the 40 subsequent articles used the Jefferson and Pryor study to bolster their claims that hate groups promote violence, and even terrorism, a claim that the creators of the underlying hate group data, the SPLC, have overtly disavowed for more than a decade.

Nonetheless, academic articles such as *Hate Groups and Hate Crime* (Ryan & Leeson, 2011), *Hate Source: White Supremacist Hate Groups and Hate Crime* (Mullholland, 2011), *Social Capital, Religion, Wal-Mart, and Hate Groups in America* (Goetz, et al, 2012), and *The Relationship between Hate Groups and Far-Right Ideological Violence* (Adamczyk, et al, 2014), continue to cite Jefferson and Pryor and endorse the accuracy of SPLC-produced data. Both Goetz and Adamczyk repeat Mark Potok’s unsubstantiated claim of “explosive growth” in hate groups with the election of President Obama, giving that falsehood a patina of truth through simple repetition.

Other factors to consider are the methodologies employed in these studies that rely heavily on SPLC hate group data. Most of the articles cite the most recent SPLC *Hate Map* counts, including the unverified unaffiliated groups, which make up between 20-25% of the total. Black hate groups, which can make up another 20% of the total count, are generally omitted, while obvious non-groups such as publishers, t-shirt and Confederate memorabilia sellers, and one-man blogs are included. Many of the reports include subjective descriptors such as *far-right*, *right-wing*, and *extremist*, without providing any definition for the terms.

Another important variable to consider when comparing hate groups to hate crimes is the definition of hate crime. Most researchers will reference the FBI's annual Uniform Crime Reporting statistics (UCR), which defines hate crimes as those "that were motivated in whole or in part by a bias against the victim's perceived race, religion, sexual orientation, ethnicity/national origin, or disability" (FBI, n.d.). The most recent UCR findings as of this writing are the 2015 report, which analyzes hate crime incidents reported in 2014 (FBI, 2015). While no one should ever be the victim of crime whatsoever, and this analysis is in no way intended to diminish the serious nature or impact of any reported hate crime, it is worth noting that there are widely varying degrees of hate crimes. Some researchers will limit their studies to violent hate crimes, while others focus on all reported hate crimes, regardless of severity.

The 2015 UCR hate crimes report identified 3,303 crimes against persons and 2,317 crimes against property in 2014. Of the crimes against persons that year, four cases of murder/nonnegligent homicide were reported and 599 aggravated assaults. The vast majority of other crimes in that class (81%) were categorized as simple assaults, defined

by the FBI as “Assaults and attempted assaults where no weapon was used or no serious or aggravated injury resulted to the victim,” with more than half of the simple assaults described as “intimidation” (FBI, 2010). Nearly half of all hate crimes reported that year were crimes against property, which included potentially violent crimes such as arson (26) and robbery (122) as well as crimes for which the bias motive is less apparent, such as burglary, motor vehicle theft and “crimes against society,” which include gambling, prostitution and drug dealing. The vast majority of property crimes fell under vandalism or destruction of property (73%).

Again, all crime is serious and should not be lightly discounted, but clearly the threat to society and public safety posed by four murders (out of 14,249 reported in 2014 and 599 aggravated assaults (out of 741,291 in 2014 (FBI, 2015b)) versus 2,685 simple assaults (pushing, shoving, name calling, etc.) and roughly 1,700 incidents of vandalism must be considered when studying hate groups and hate crime. The effects of all of these crimes were without doubt very real to the victims who experienced them, but the vast difference between bias-motivated murder and simple vandalism, which even the SPLC concedes is largely committed by teens, must be taken into account when comparing hate groups to hate crimes.

This selected application of incomplete or incompatible data, the card stacking device, violates Wallace’s *habit of justice* dictum to the same extent as when the media take similar ethical shortcuts to attract audiences and meet deadlines. Many of the same pressures and biases of the public media can be readily identified in the field of academic scholarship.

Hate Group Counts and Law Enforcement

The last group of stakeholders to regularly rely on Southern Poverty Law Center hate group data is law enforcement. The SPLC routinely sends its unsolicited reports to every police station in the country, where the impact is minimal as even Mark Potok has conceded the unlikelihood of his designated hate groups committing any serious crimes:

And I would say as a general matter, it is extremely unusual these days for an organization to plan and carry out a criminal act where mainly for the reason that they are so likely to get caught. So what we really see out there in terms of violence from the radical right is by and large what we would call lone wolves, people operating on their own or with just one or two partners. As opposed to, you know, being some kind of organizational plan (Potok, 2008).

Still, [Potok] said the public should remain vigilant about the activities of hate groups, even though individuals are responsible for the majority of hate crimes in America (Potok, July 21, 2009).

As Potok notes, most of the serious hate crimes committed in the U.S. have been the work of “lone wolves” like Timothy McVeigh and individual gunmen like Jared Loughner and Dylan Roof, who operate entirely below law enforcement radar until they act out (*Mother Jones*, 2016). Since lone wolves are ultimately invisible until they strike, the SPLC has no way to predict or track them and therefore has nothing to offer law enforcement or the donors beyond vague existential threats and tenuous, untested connections to hate groups. This overt fearmongering, while largely baseless, proves useful to many of the stakeholders mentioned here.

Immediately after Jared Loughner opened fire on a crowd in Tucson in January 2011, killing six and injuring a dozen more, including U.S. Representative Gabrielle Giffords, Mark Potok made every attempt to link Loughner with a hate group, or at the very least, the Patriot Movement or any branch of the “Radical Right,” but with little success. Potok even attempted to divine a right-wing pattern from a list of favorite books Loughner had posted online earlier, including George Orwell’s *Animal Farm* and Ayn Rand’s *We the Living*, which both have strong anti-government themes. The bulk of Loughner’s list included children’s classics such as *The Wizard of Oz*, *Aesop’s Fables*, *Alice in Wonderland*, and *Gulliver’s Travels*, and many were required readings familiar to millions of American high school students for more than fifty years, such as the Orwell and Rand titles, as well as *To Kill a Mockingbird*, *Fahrenheit 451*, and *The Old Man and the Sea* (Haq, 2011).

With so little grist for his hate group mill, Potok was forced to concede that, like most lone wolves, “Loughner is probably best described as a mentally ill or unstable person...” while speculating, “...who was influenced by the rhetoric and demonizing propaganda around him.” Potok, who has no psychological or psychiatric training, has no way of knowing what motivated Loughner, but by linking his actions to “rhetoric and demonizing propaganda,” Potok could still make an extremely tenuous connection to the “right-wing” and hate groups in SPLC fundraising materials.

While Mark Potok’s hate group claims may have little relevance for the average police officer on patrol, his numbers do resonate with elected law makers and law enforcement officials at the highest levels.

As noted earlier in this paper, executives from the Southern Poverty Law Center are often called to testify before Congress and have seats on several advisory panels used by the Department of Homeland Security (DHS). The credibility of the information provided by SPLC officials is again a product of the organization's carefully crafted reputation and the compounding effect of SPLC claims that are repeated in the media and academic journals. Once again, because most SPLC-designated hate groups are not engaged in illegal activities, law enforcement has little information of its own to share, and so Congress and the DHS will turn to the recognized "experts" on the subject.

One reason for employing SPLC data is simple justification. Both Congress, who must justify their voting records to their constituents, especially in reelection bids, and large government bureaucracies, such as the DHS, who must justify their budget requests to Congress each year, welcome the SPLC's data for many of the same reasons as the media. The information is designed to be easily assimilated, the source is highly trusted and the lurid nature of "hate groups" makes for interesting reading. As with most glittering generalities, "fighting hate" is a relatively easy way to impress the voters while encountering little or no opposition. The reliability of the information used is never questioned and the SPLC can then point to its role as trusted experts in its own fundraising materials.

Academic researchers are also part of the cycle, as many of them and their home institutions rely on government funding. To that end, many researchers readily employ SPLC hate group data in their reports as they have a strong financial motivation to write to the expectations of their primary audience, which is often the Department of Homeland

Security. Reports that suggest that hate groups pose little or no threat to society are unlikely to generate ongoing DHS funding down the road.

Nowhere is this incestuous cycle more evident than in the current research by Steven Chermak and Joshua Freilich, the two criminal justice professors cited in this paper earlier, who methodically dissected SPLC hate group and militia data in 2002 and 2006, respectively, and found it lacking. Both academics are now researchers for the National Consortium for the Study of Terrorism and Responses to Terrorism (START) based at the University of Maryland, in College Park.

START was launched in 2005 from a \$12 million-dollar grant from the Department of Homeland Security, receiving additional DHS funding since then:

Since its inception, START has furthered its mission through hundreds of publications in peer-reviewed academic journals, dozens of public events, and extensive consultations by government agencies and Congress on issues related to terrorism and homeland security (START, n.d.).

Despite having found both SPLC and ADL data wanting for the several reasons previously cited (the subtitle of Freilich's 2006 report reads, "Limitations of Advocacy Group Data and of State-Level Studies of Paramilitary Groups") both Chermak and Freilich, as well as their START colleagues Adamczyk and Gruenewald, routinely cite both sources in their studies, which are immediately accepted and reprinted by the Department of Homeland Security.

In such papers as their 2012 *Organizational Dynamics of Far-Right Hate Groups in the United States*, co-authors Chermak and Freilich now draw their data directly from the SPLC's *Intelligence Report*, "which arguably provides the best listing of both violent

and nonviolent hate groups in the United States” (Chermak, 2013). After admitting that “scholars have noted problems with SPLC procedures for identifying hate incidents or groups,” listing their own works among those scholars, the pair justify basing their entire study on this unreliable data simply because “the SPLC has used the same set of strategies to identify hate organizations over time” (p. 202). In short, the authors are stating that “the data is flawed, but it is consistent.”

They further justify their use of the problematic data by citing the SPLC’s own *Hate Map* claims that “the SPLC specifically excludes websites that are the work of a lone person not affiliated with a group (Ibid),” which, as this paper has repeatedly demonstrated, and with Mark Potok admitting that his list includes numerous anonymous post office boxes, is patently untrue and could easily be verified by two veteran researchers as Chermak and Freilich, if they chose to do so.

Chermak and Freilich conclude their justification by stating “Thus, the sample includes groups that are identifiable, some that have participated in violent and/or other hate group activities, are comprised of two or more individuals, and seek to further an extremist ideology.” As noted, the SPLC provides no corroborating information on any of the groups it lists, with 20-25% of the count unaffiliated with any known location, such as the Georgia Militia. While some of the groups listed have participated in violent crimes, generally in the distant past, most of the groups have never committed any crimes and the “hate group activities” they have engaged in include publishing, marches and rallies, all protected free speech under the First Amendment. The statistical viability of any one- or two-person “hate group” to any study of the subject is dubious at best. As for

furthering “extremist ideology,” the term “extremist” occurs 21 times in *Organizational Dynamics*, but is never once defined.

Chermak and Freilich repeat this justification in several other START publications, which are cited by other START members, such as Adamczyk and Gruenewald, who also disclose START or DHS funding. The financial motivation for relying on SPLC data that the authors themselves have discounted cannot be ignored. As with academics, researchers who rely on government funding may be motivated to write what their customers want to hear.

Emails written in February 2015 to all of the START authors cited in this paper, requesting clarification on their methodologies for vetting the SPLC numbers, have gone unanswered.

The Threat to Civil Liberties

Undoubtedly, of all the stakeholders who unquestioningly employ SPLC hate group data, it is this last group, legislators and law enforcement, who present the direst threat to civil liberties. While the SPLC may use its own unvetted numbers to entice donors into giving money, and the media and academic journals to “sell copy,” those uses are relatively benign in the larger context. Donors and readers who accept the SPLC’s claims at face value without verifying those claims have no one to blame but themselves and may be written off with a cavalier claim of *caveat emptor*, or “a fool and his money.” This is not the case with law enforcement, though.

In recent years, the terms “extremist” and “domestic terrorist” have entered the SPLC’s lexicon with “right-wing” and “far-right,” with that organization providing no definition of any of the terms given whatsoever. While the “hate group” label may carry a

social stigma (the term, while meaningless, is a shaming tool, by design), being designated an “extremist” or “terrorist” by a private advocacy group can inevitably incur the interest of Homeland Security and other law enforcement agencies, who are mandated to follow all suspicious leads. In these cases, the Bill of Rights that prevents the SPLC from “destroying” all of the hate groups on its list may offer little protection in the expedient name of “security.”

Lawmakers may also be swayed by “extremist” fearmongering and attempt to abrogate American’s civil rights through legislation, as occurred under the USA PATRIOT act within weeks of the September 11 terrorist attacks. The Act, and its Orwellian acronym, “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism,” had been conceived years before the al Qaeda attack in anticipation for just such an emergency by neo-Conservative entities outside the government at the time (US DOJ, n.d.). The act was signed into law a mere seven weeks after the attack by then-President George W. Bush, with very little debate and almost no opposition in Congress.

In many ways, the USA PATRIOT Act mirrored the drastic assault on civil liberties committed by the Nazis in their infamous “Decree of the Reich President for the Protection of People and State,” which followed the Reichstag Fire in 1933 and similarly gutted many constitutionally protected civil rights. In the name of “security,” the Nazis passed legislation to

Restrict the rights of personal freedom [habeas corpus], freedom of (opinion) expression, including the freedom of the press, the freedom to organize and assemble, the privacy of postal, telegraphic and telephonic

communications. Warrants for house searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed (GHDI, n.d.).

The USA PATRIOT Act accomplished many of the same goals, also in the name of “security.”

One glaring example of the dangers of law enforcement relying on advocacy group information occurred in 2009, when the Missouri Information Analysis Center (MIAC), a DHS-created “fusion center” designed to disseminate DHS information to local law enforcement agencies, issued a report to the Missouri State Highway Patrol, warning of the dangers of “The Modern Militia Movement” (MIAC, 2009).

While the Southern Poverty Law Center is never mentioned as a source in the “MIAC Report,” (though it is listed as a potential target) many sections of the text are lifted directly from SPLC publications, verbatim. The report advises the Highway Patrol that a good way to identify potential militia members is by their display of the yellow, “Don’t Tread on Me” Gadsden flag. Chillingly, the report claims that

Militia members most commonly associate with 3rd [sic] party political groups. It is not uncommon for militia members to display Constitutional Party, Campaign for Liberty, or Libertarian material. These members are usually supporters of former Presidential Candidate: [sic] Ron Paul, Chuck Baldwin, and Bob Barr.

The ethical ramifications of any law enforcement agency warning its officers to be on the lookout for third party political materials that might lead them to “violent extremists” cannot be underestimated. Not only does this violate the most fundamental First

Amendment rights, it stifles legitimate criticism of elected government and chills protected political activity.

When the MIAC Report was leaked to the press, the resulting uproar forced Missouri Governor Jay Nixon to publicly apologize to Paul, Baldwin, and Barr, but Nixon did not repudiate the document. Although this report was ultimately uncovered and exposed, it is purely a matter of speculation as to how many similar documents are currently circulating among law enforcement agencies. One similar document is Goetz's study, *Social Capital, Religion, Wal-Mart, and Hate Groups in America*, which was published in the *Social Science Quarterly* in April, 2012 and immediately reprinted by the *Homeland Security News Wire* under the heading, "Formation of Hate Groups Associated with Big-Box Stores" (Homeland, 2012).

Citing Jefferson and Pryor, Goetz's study claims a direct connection between the number of Wal-Mart* stores in any given county in 1998 and the number of hate groups listed on the SPLC's *Hate Map* for 2007 (* The company's brand name was hyphenated until 2008, when it was shortened to Walmart). The report, which neglects to identify whether black hate groups were included or how counties were assigned to unaffiliated hate groups with no given location, posits that, through the use of the slogan "Save Money, Live Better," "Wal-Mart, with its media campaigns emphasizing concepts central to the Protestant ethic, may inadvertently trigger hate in individuals particularly susceptible to this kind of priming" (p. 389).

Goetz concludes that his team did identify a tenuous correlation between Wal-Mart stores in 1998 and SPLC-designated hate groups in 2007, coming to the ethically ambiguous conclusion that

[Our] discovery of an association between Wal-Mart locations and hate groups could lead the corporation's foundation to play a larger role in supporting the types of local groups that enhance the social capital index used in our analysis (p. 391).

This line of reasoning crosses the boundary from scholarly research to agenda-driven advocacy and seems designed to influence Wal-Mart's philanthropic endeavors by linking the corporation to the formation of hate groups using flawed SPLC data. Elise Springer refers to this practice as "moral sociology," noting that "this interpretive approach abandons the ideal of disengaged observation in favor of a practically directed pattern of attention (p. 166)" (Springer, 2013).

Equally as alarming, investigative journalist Glenn Greenwald has tracked a steady sea change in the relationship between the media and government evolving through both the Bush and the Obama Administrations. The Fourth Estate mindset that gave rise to journalists like Edward R. Murrow, Bob Woodward and Carl Bernstein, reporters who were willing to confront the government and other powerful sectors of society to uncover scandal and wrongdoing, has morphed into a more collegial, collusive relationship.

Greenwald, who was the primary conduit for the release of thousands of classified National Security Administration (NSA) documents obtained by whistleblower Edward Snowden in 2013, notes that the financial and class differences that traditionally existed between the press and the powerful have eroded:

This identification of the establishment media with the government is cemented by various factors, one of them being socioeconomic. Many of

the influential journalists in the United States are now multimillionaires.

They live in the same neighborhoods as the political figures and financial elites over which they ostensibly serve as watchdogs. They attend the same functions, they have the same circles of friends and associates, their children go to the same elite private schools (Greenwald, p. 234).

Greenwald writes that these relationships are part of the reason so many in the media and in government make lateral career moves into each other's professions, citing journalists who have been appointed to government positions and government officials such as Obama aides David Axelrod and Robert Gibbs, who have signed lucrative media contracts:

The switch is so streamlined precisely because the personnel still serve the same interests. Rich, famous, insider journalists do not want to subvert the status quo that so lavishly rewards them. Like all courtiers, they are eager to defend the system that vests them with their privileges and contemptuous of anyone who challenges that system (p. 235).

The Southern Poverty Law Center is now part of that system. It enjoys unfettered, unchallenged "go-to" access to nearly all of the major media outlets in the U.S., which then diffuses down into hundreds of smaller local and international venues. Many in the government, as laid out in Section VIII of this paper, accept the SPLC as "experts" and find their hate group materials to be useful in justifying their work, and therefore their continued funding. The SPLC benefits by citing the many media and government reports based on SPLC data in its fundraising materials. It is a collusive, incestuous cycle that

creates a demonstrable financial incentive for all three participants to maintain the status quo.

The “Trump Effect” and the 2016 Presidential Election

One of the Southern Poverty Law Center’s most recent card stacking campaigns, as of this writing, is based on the run-up to and final results of the 2016 U.S. presidential election. As a 501(c)(3) nonprofit organization, the SPLC is strictly prohibited by the Internal Revenue Service (IRS) from directly participating in ongoing election campaigns, at the risk of losing its tax-exempt status.

Under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.

Contributions to political campaign funds or public statements of position (verbal or written) made on behalf of the organization in favor of or in opposition to any candidate for public office clearly violate the prohibition against political campaign activity. Violating this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes (IRS, *Restriction*, n.d.).

In the spring of 2016, as a string of primary election wins brought conservative Donald Trump’s nomination as the Republican Party’s candidate ever closer, the SPLC released a series of reports that cast Trump in a distinctly negative light. The February 18 issue of the SPLC’s *Intelligence Report* featured Trump on the cover of its annual *Year in Hate and Extremism* issue. In the photo montage, an open-mouthed Trump is surrounded by

what the report's author, Mark Potok, describes as "antigovernment militiamen, white supremacists, abortion foes, domestic Islamist radicals, neo-Nazis and lovers of the Confederate battle flag," with an oversized image of Trump towering, literally, head and shoulders above the rest (SPLC, *Intelligence Report*, 2016). The words "Hate and Extremism" in bold red letters and then-accused Charleston, SC, shooter Dylan Roof and a Confederate flag frame the candidate.



Figure 9. Spring 2016 *Intelligence Report*

While Donald Trump had made, and continues to make, numerous controversial statements and negative remarks about women, minorities, and immigration, the ham-

fisted imagery of the cover photo and Potok's guilt-by-association claims in the cover story of, "glowing endorsements from white nationalist leaders such as Jared Taylor and former Klansman David Duke," clearly violated the IRS proscriptions against "statements of position" against a candidate in an ongoing political election.

An April 13, 2016, report continued the anti-Trump theme. *The Trump Effect: The Impact of the Presidential Campaign on Our Nation's Schools*, written by the SPLC's Teaching Tolerance Director, Maureen Costello, opens with the emotionally charged and highly improbable claim that "Every student, from preschoolers up through high school, is aware of the tone, rhetoric and catch-phrases of this particular campaign season (p. 6)." Costello claimed that the negative comments issuing from the televised primary debates were traumatizing students across the nation on a grand scale.

Even native-born African-American children, whose families arrived before the American Revolution, ask about being sent back to Africa. Others, especially younger students, have worries that are the stuff of nightmares, like a return to slavery or being rounded up and put into camps (Costello, p. 7).

Costello based her claims on a survey produced by Teaching Tolerance that asked educators if they had noticed an increase in bullying or other negative behavior in their classrooms during the primaries. The result was allegedly 2,000 responses, which provided 5,000 comments, the vast majority of which echoed Costello's opening claims of widespread student anxiety from kindergarten through high school. The mainstream media and the Blogosphere picked up on the *Trump Effect* and repeated its findings widely.

Most of the commentators either missed or deliberately ignored the disclaimer on the report that stated

Our survey of approximately 2,000 K-12 teachers was not scientific. Our email subscribers and those who visit our website are not a random sample of teachers nationally, and those who chose to respond to our survey are likely to be those who are most concerned about the impact of the presidential campaign on their students and schools (p. 4).

Not only were all of the responses, as well as the 5,000 accompanying comments, anonymous, Costello couldn't even verify that "those who visit our website" were even teachers. The same report states that Teaching Tolerance reaches 400,000 teachers a month, and yet the entire report was based on only 2,000 anonymous and completely anecdotal responses. Instead of reporting that the SPLC had received 2,000 non-random replies from unverified sources, most media accounts stated that "the SPLC surveyed 2,000 teachers," which is entirely inaccurate and misleading.

The November 9, 2016, election of Donald Trump officially ended the presidential campaign and so the IRS prohibition against attacking political candidates expired. Two days later, on November 11, the SPLC reported that it had received reports "of over 200 incidents of election-related harassment and intimidation across the country" (the actual count was 201). The report stated that it had learned of these "incidents" by "pulling from news reports, social media, and direct submissions at the [SPLC] website." The article also included the disclaimer that "Every incident could not be immediately independently verified" (SPLC, *Over 200 Incidents*, Nov. 11, 2016).

The report included alleged quotes from anonymous, heart-rending anecdotes such as

My 12 year old [sic] daughter is African American. A boy approached her and said, “now that Trump is president, I’m going to shoot you and all the blacks I can find.” We reported it to the school who followed up with my daughter and the boy appropriately.

While it is quite likely that hurtful, stupid things were said in many quarters during the election campaign, and long before it, attributing the alleged immature comments of fifth graders is hardly indicative of “election-related intimidation,” but the SPLC has a long history of fearmongering through such anecdotal, unverified “incidents.” Immediately after Barack Obama was elected in 2008, Mark Potok was making the media rounds and warning of “racist backlash” after hearing reports of several 7- and 8-year-olds chanting “Assassinate Obama!” on an Idaho school bus (Potok, November 25, 2008). Taken at face value, such schoolyard inanities are easily discounted, but when included in polished SPLC “intelligence reports,” the claims resonate with the organization’s primary audiences.

It is important to note that most of the incidents reported to the SPLC came in via an anonymous web page set up on the organization’s website. Anyone could make a report by simply providing a first name and no other corroborating information. By November 14, the SPLC was reporting 437 incidents, complete with bar graph breakdowns of incident type and location, but the actual reports were not made available for journalists to verify. More anonymous quotes followed:

A Latina woman in Texas reported: I was walking my baby at my neighborhood park and a truck drove by with a male driving and a female passenger. The female yelled “white power” at us as they drove by and then sped away.

This update, and ones that followed, included the disclaimer “These incidents, aside from news reports, are largely anecdotal. The SPLC did follow up with a majority of user submissions in an effort to confirm reports.” The article did not disclose how the organization followed up on anonymous, anecdotal reports. The December 16 update, which claimed a new total of 1,094 incidents noted that “The SPLC made every effort to verify each report, but many included in the count remain anecdotal,” but again failed to produce the reports or provide a methodology for verifying the claims.

The *Ten Days After* report opens with a description of a nationally publicized incident where a historically black church in Greenville, Mississippi, had been burned by arsonists and the words “Vote Trump” spray painted on the side of the building. “The incident was just a harbinger of what has become a national outbreak of hate, as white supremacists celebrate Donald Trump’s victory,” the report claims (p. 2). The SPLC’s attempt to link an alleged “national outbreak of hate” to the election, and more importantly, to the highly controversial president-elect, simply does not stand up to methodological scrutiny.

To begin with, the SPLC provides no benchmark with which to compare the “national outbreak” beyond linking it to the November 9 election. An inspection of the anonymous #ReportHate intake webpage indicates that the page was created on November 8 and provides no background measure of alleged incidents in the months leading up to the election or even one year earlier. When the starting point is zero, any

increase whatsoever can be parlayed into an “outbreak.” If one incident was reported on November 9 and a second on November 10, the SPLC could rightfully claim “a 100% increase in reported hate incidents” with complete mathematical accuracy. The carefully-worded references to “post-election” incidents and “aftermath” are purely calendrical. The anecdotes are post-election merely because the SPLC allegedly did not begin to collect them until after the election. “Aftermath” generally refers to the consequences of a disaster, which would no doubt resonate with several SPLC audiences (SPLC, *Ten Days After*).

It is also important to note that while the SPLC refers specifically to “hate incidents,” many in social media and even in the mainstream media transformed that descriptor to “hate crimes,” which the SPLC never claims directly. *Ten Days After* does claim that the report “almost certainly represents a small fraction of the actual number of election-related hate incidents,” citing a Bureau of Justice Statistics report on underreporting of actual hate crimes, but the SPLC is careful not to label the “harassment and intimidation” referenced in the subtitle of the *Ten Days After* report as definite hate crimes (p. 5).

Ten Days After states that the 867 alleged incidents were collected from two sources, “submissions to the #ReportHate page on the SPLC website and media accounts,” but does not indicate how many reports came from either source. Actual reports made to the media, including hoaxes, appear to make up a small fraction of the overall count, certainly no more than 3- to 5- percent of the total. The paper disclaims that “it was not possible to confirm the veracity of all reports,” but makes no indication of how many reports could be verified (*Ibid*).

The December 16 update notes that 13 of the incidents reported in the media were proven hoaxes and removed them from the count, and promised that any future false reports would likewise be removed. On December 21, Andrew McClinton, an African-American and congregation member of the burned Mississippi church identified as a “harbinger of hate” in the opening lines of the *Ten Days After* report, was arrested and charged with the arson attack on that church, and with the “Vote Trump” graffiti (CBS News, December 21, 2016). The SPLC has yet to remove the incident from its list, as of this writing, possibly because, if McClinton is found guilty, the arson attack would represent one of the few verifiable “election-related” incidents.

On November 28, 2016, the SPLC doubled down on its pre-election “Trump Effect” report by stating that Teaching Tolerance had administered a second survey in the days after the election, this time claiming that “Over 10,000 teachers, counselors, administrators and others who work in schools have responded.” The update repeated all of the claims of the earlier report, only on a far larger scale, and now, free from the IRS restrictions, the organization directly attributed the alleged incidents to Donald Trump. “Since Trump was elected, media have been awash in reports of hate incidents around the nation, including at schools” (SPLC, *Trump Effect*, November 28, 2016).

The update was based on the same anonymous reply structure as the previous report, only this time, as if stung by criticism of its earlier methodology, the final question on the survey asked respondents if they would be willing to share their contact information upon request. The report claimed that 1,500 “educators” (again, no mechanism was in place to verify that the respondents were actual teachers) responded in

the affirmative, yet no means of obtaining the information, or of seeing any of the 10,000 alleged responses was provided.

Instead, the update includes more of the same disturbing, unverified and anonymous anecdotes designed to resonate with readers, all attributed to anonymous educators:

One Muslim girl clung to her kindergarten teacher on November 9 and asked, “Are they going to do anything to me? Am I safe?” – Early Childhood Teacher, Tennessee

Students were suicidal, without hope. Fights, disrespect have increased as well. – Middle School Counselor, Florida.

Multi-racial children were telling Hispanic children they were going back to Mexico and their parents were first. Fifth-grade boys were fighting in the bathroom because they found out who voted for Trump in the mock election at school. A lesbian student’s mother was telling her that life as we knew it was over, and she was quite distraught about her mother. Children are very worried about being deported or killed. – Elementary Counselor, Illinois (pp. 8-9).

Again, it is not the intent of this paper to downplay or dismiss the possible reactions of students to the results of the election, especially Muslim and undocumented students, in light of Donald Trump’s inflammatory campaign rhetoric. The purpose of this section is to move beyond the underlying sentimentality of entirely unverified, anecdotal claims by the SPLC and evaluate the reliability of such based on the evidence at hand. Serious claims such as these require serious proof, which the Southern Poverty Law Center has yet to provide, as of this writing.

The SPLC included the same “unscientific” disclaimer in the updated report, though only on its website and not in the actual report itself:

The results of this survey are not scientific. The respondents were not selected in a manner to ensure a representative sample; those who responded may have been more likely to perceive problems than those who did not.

While the disclaimer ought to immediately dispel any question regarding the reliability or objectivity of the survey’s alleged results, the SPLC attempted to gloss over the negative aspects by noting:

But it is the largest collection of educator responses that has been collected; the tremendous number of responses as well as the overwhelming confirmation of what has been anecdotally reported in the media cannot be ignored or dismissed.

Arguing that the alleged results are somehow valid simply because they are part of a very large collection of reports, none of which have been produced for public scrutiny to date, is false logic. Associating these unsubstantiated claims with the comparatively far smaller sample reported in the media is a straw man argument that suggests that the SPLC’s anecdotal claims are on a par with legitimate news reports of incidents that are under actual investigation by authorities.

It should also be noted that in several of the more dramatic cases actually reported in the media, such as the case of the arson attack on the historically black church in Greenville, Mississippi, or at least two cases of Muslim women charging that pro-Trump supporters, who are invariably white males, assaulted them and pulled off their hijab head scarves, police investigations have determined that the suspects were minorities themselves or the claims were entirely falsified.

Journalists and researchers need to remain aware of the possibility of activists and outright hoaxers attempting to implicate others for political purposes. Laird Wilcox noted:

It's no great surprise that a bright, socially-conscious individual would realize quite on his or her own that there's nothing like some racist graffiti or some other "hate crime" to invigorate the militants, and what the hell, it's for a good cause - right? Americans are not known for their ability to defer gratification for long. Hence, the racist or anti-Semitic hoax. It's as easy as apple pie.

What I see happening with hoaxes is a kind of "market" process: the frequency of hoaxes increases with their utility in accomplishing desired ends. When the "market" or payoff for victimization goes up, the temptation to create victimization where none exists is very strong and the temptation to exaggerate minor cases of alleged victimization is even stronger. Conversely, as the number of hoaxes increases (assuming they are reported) a greater skepticism toward unproven and marginal victimization claims will probably increase as well, and hoaxes will become less effective. It's pretty much a matter of supply and demand (Wilcox, 1994, p. 2).

When hoaxes reported to the police or media are uncovered, the consequences for the perpetrator may range from public humiliation to actual jail time, and so there is a certain level of risk in making false reports at that level. The SPLC's anonymous reporting webpages remove all risk for those who are "more likely to perceive problems" and the "the temptation to create victimization where none exists" is arguably greatly increased.

For many Americans, the rancorous 2016 elections undoubtedly provided the “market” described by Wilcox. Heart-tugging tales of terrified kindergarteners and distraught elementary school lesbians will resonate with donors and other stakeholders, but unless the SPLC is able and willing to provide any proof that the exchanges actually took place, and from someone more identifiable than “Elementary School Teacher, Illinois” reporting in on an anonymous webpage, there is no methodologically sound reason to accept any of the organization’s “Trump Effect” claims as valid.

This is not hard data, and yet numerous media reports since the election have listed the Southern Poverty Law Center as the sole- or co-beneficiary of grassroots fundraising events created by local artists and musicians, pubs and restaurants, as well as immigrant and LGBT social groups. There is no way of telling how many individual donors will be moved to make or increase their donations to the SPLC based on the unverified anecdotes related in the *Trump Effect* and *Ten Days After*. Once again, the organization realizes financial gain through the promulgation of baseless claims.

Ethical Issues

In 1994, the “Hate Industry” described by Laird Wilcox was still relatively small, centered chiefly around the claims of the SPLC and Anti-Defamation League, but as their initial success among their own dedicated and highly defined donor groups grew, so did their reputations and influence. Nothing spawns imitation like success and more advocacy groups followed. Many of the groups have addressed legitimate societal problems, and it should be noted that the SPLC has and continues to tackle cases of overt racial, gender and identity based discrimination.

The SPLC has been extremely selective in choosing the cases it pursues, such as ignoring the blatant anti-gay policies of the Boy Scouts of America (BSA) for more than a decade. In 1998, the BSA banned gay scouts and scout leaders from its organization and restated its commitment to exclude gays from its ranks in 2002:

The BSA reaffirmed its view that an avowed homosexual cannot serve as a role model for the traditional moral values espoused in the Scout Oath and Law and that these values cannot be subject to local option choices (BSA, 2002).

It would be difficult to provide a more demonstrative example of one group “attacking or maligning” another group “for its immutable characteristics” than the Boy Scouts’ claim that all “avowed homosexuals” lack the moral values to be scouts. And yet, despite the fact that the BSA is charged with molding the minds and shaping the characters of millions of American boys, the SPLC never mentioned the BSA’s discriminatory policies on its website and never once designated the organization as a “hate group.”

Twelve years ago, the Southern Poverty Law Center stopped participating in the Montgomery, Ala., United Way campaign because the organization chose to fund the Boy Scouts of America despite its policy of excluding LGBT people from its ranks (Levin, 2012).

The press release notes that other than quietly dropping out of the Montgomery United Way campaign the SPLC did nothing more to address the issue. Rather than turn the SPLC’s formidable public opinion spotlight on the BSA back in 1998, Levin gently chastised the organization in the softest possible terms, such as claiming that the BSA “embraces anti-LGBT prejudices” rather than engaging in hate, and at one point even

apologized for the BSA's blatant discrimination by stating, "Of course, the Boy Scouts of America doesn't intend to encourage bigotry. But such policies can have that effect." In 2000, the BSA took its case to the U.S. Supreme Court to affirm that it had a constitutional right as a private organization to discriminate against any potential applicant (*Boy Scouts of America v. Dale*). It would be difficult to imagine a more intentional desire to "encourage bigotry" than taking one's case to the Supreme Court. The term "hate group" never appears in Levin's press release.

Within two years, Levin would step back from what little criticism his 2012 press release did provide. In a 2014 article posted on the MSNBC website, Levin stated

We don't list the Boy Scouts (as a hate group)," said Levin. "We only do that if we have a group that's propagating known falsehoods associated with a particular person or group – in this case, the LGBT community.

The Boy Scouts haven't really done that" (Margolin, 2014).

If a blanket statement that all "avowed homosexuals" lack the moral values to be in the Boy Scouts isn't "propagating falsehoods" against the LGBT community, one has to wonder it would take for a group to cross the SPLC's hate group threshold? Once again, the SPLC's application of its hate group designation is inconsistent and subjective.

Questionable Fundraising Practices

The Southern Poverty Law Center's financial records indicate that its advancement department, which is largely in charge of public relations and fundraising, accounts for nearly half of the organization's annual expenses, after joint costs have been factored in. This team of experienced professionals, led by direct mail marketing expert Morris Dees,

employs a number of time-tested fundraising techniques to persuade existing donors to give again and to attract new donors as well. Some of these common methods, while entirely legal and widely practiced by many nonprofits, are ethically dubious nonetheless, as they often play on donors' emotions and exploit the memory of people who were at the center of the Civil Rights Movement.

One example of these fundraising techniques, laden with glittering generalities, involves the SPLC's "Wall of Tolerance," a large flat screen display located at the organization's headquarters in Montgomery. As described on the SPLC website

The Wall of Tolerance digitally displays the names of more than half a million people who have pledged to take a stand against hate and work for justice and tolerance in their daily lives. Their names flow continuously down the 20-by-40 foot wall within the Civil Rights Memorial Center in Montgomery, Alabama (SPLC, n.d.).

Those honored on the wall received an ornate certificate of appreciation signed by Morris Dees and Rosa Parks, with author Toni Morrison co-signing after Ms. Parks' death in 2005.

My subsequent investigation into the Wall of Tolerance revealed several postings in online discussion groups by people active in nonprofit causes who had received certificates of appreciation without ever having heard of the program. Some had never donated to the Southern Poverty Law Center and had certainly never taken any pledge (Allenberg, 2006). That pledge invokes the memory of the many victims of the Civil Rights Movement:

By placing my name on the Wall of Tolerance, I pledge to take a stand against hate, injustice and intolerance. I will work in my daily life for justice, equality and human rights – the ideals for which the Civil Rights martyrs died.

Several recipients mentioned that they believe the SPLC obtained their information from mailing lists of other nonprofit organizations, which are routinely sold and traded among such groups. The certificate of appreciation, which arrived with packs of return mail labels bearing the recipient's mailing address, one of the oldest fundraising solicitation techniques known, was sent solely to initiate a first-time donation to the SPLC, not to commemorate a previous donation. Ironically, among the baffled recipients was Marcus Epstein, whom the SPLC has labeled a "white supremacist" in a full article against Epstein on its website (SPLC, *Extremist Group Announces*, October 8, 2008). Clearly, if the allegations are true, Mr. Epstein is highly unlikely to be an SPLC donor or to embrace "the ideals for which the Civil Rights martyrs died" (Epstein, 2008).

The Wall of Tolerance campaign drew high praise, as early as 2009, from SOFII, the Showcase of Fundraising Innovation and Inspiration, a public relations think tank:

The Southern Poverty Law Center, who launched this campaign, is a hugely impressive organization with a long and well-deserved reputation for effective donor development. Though we don't have the results, we think we can presume that this direct mail capital appeal must have worked really very well.

This is one of the most moving and long-lasting donor involvement campaigns in the USA and represents some of the best that the direct marketer's art can produce (SOFII, 2009).

The Wall of Tolerance appears to be little more than a marketing ploy directed at anyone with a current postal address. As such, the ethical considerations of invoking the memories of the victims of racist violence and exploiting the fame of civil rights icon Rosa Parks and author Toni Morrison are great. Morris Dees may be a master of "the direct marketer's art," but with his repeated use of the *transfer* technique, as he did with Julian Bond, he has proven himself a master of the propagandist's art as well, though all of his celebrity endorsers have been willing participants in the process.

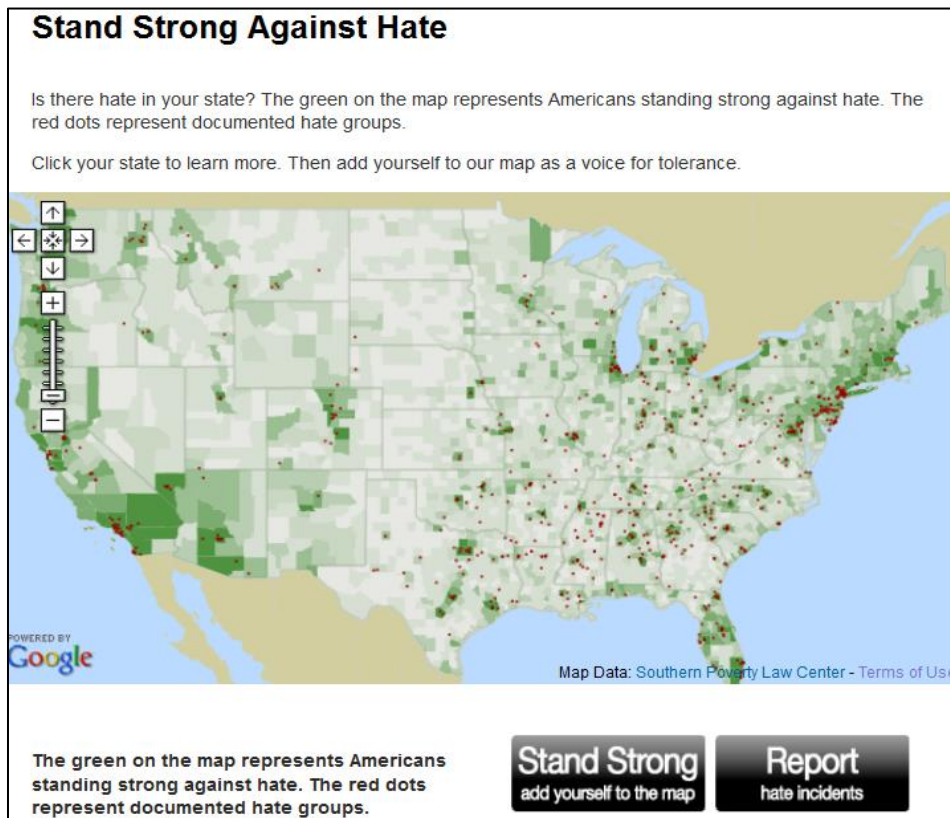


Figure 10. Stand Strong Against Hate map

Another successful bandwagon fundraising campaign that ran concurrently with the Wall of Tolerance until 2014, was the SPLC's interactive "Stand Strong Against Hate" map found on the organization's website.

The accompanying text informed visitors that

The dots on the map above represent the organized hate groups operating in our country. Is there hate in your state? As the ranks of hate swell, people of goodwill must stand up and be counted.

Add yourself to our map as a voice for tolerance. Join people across the nation who are standing strong against the hate, racism, and intolerance infecting our communities, schools and political debate. At the Southern Poverty Law Center, we track and expose the activities of hate groups in the United States and use innovative legal strategies to put them out of business. Thank you for standing strong against hate.

In order to "stand strong against hate," visitors can add a digital pinhead to the map bearing their first name and last initial, located in the vicinity of their home town, by providing the SPLC with their full name, telephone number, street and email addresses. While the web page makes no mention of how exactly providing one's personal contact information "stood strong" or "fought hate," the information provided was no doubt of great interest to the SPLC's fundraising department.

In August 2015, six weeks after the murder of nine African Americans in a Charleston, SC, church, the SPLC launched its "Erasing Hate" campaign. Photographs of Dylann Roof, the then-suspect in the murder, surfaced showing Roof posing with a small Confederate battle flag and a handgun, leading the SPLC to set out "to identify and erase

government-sanctioned symbols of the Confederacy across the country” (SPLC, *SPLC Launches*, August, 01, 2015).

The online campaign asked readers to report the location of public buildings, streets, schools and other institutions named for people connected with the Confederacy, which would allow the SPLC to spotlight the entities and put pressure on the responsible municipalities to rename them. While the SPLC is well within its rights to undertake the campaign, as many people are genuinely offended by the Confederate references, once again, a name and email address was required to make a report. If the true purpose of the campaign was simply to identify every street and school named for Robert E. Lee, etc., then a simple text response box would be adequate. In fact, because these institutions are public they are already listed on multiple state, local and federal databases.

“Erasing Hate” was arguably a way to exploit the Charleston murders to gain potential donor information. An April 2016 update revealed that the names of 1,503 “symbols of the Confederacy” were collected by the campaign, but no mention of any action taken by the SPLC was given (SPLC, *Whose Heritage?* April, 21, 2016). It should also logically follow that, if the intent of the campaign was to remove or rename symbols “representing racism, slavery and the country’s long history of oppression of African Americans,” that those efforts should apply to those who supported and profited from slavery since the nation’s founding as well. SPLC headquarters are located on Washington Avenue, in Montgomery, a street named for a major slave owner and arguably the man bearing huge responsibility for institutionalizing chattel slavery for the first four score and seven years of the nation’s existence. At least twelve U.S. presidents

owned slaves, including Ulysses Grant, as did numerous lesser office holders. If the “Erase Hate” campaign is sincere, it ought to apply across the board.

One final example of ethically challenged marketing by the Southern Poverty Law Center involves its use of third-party telemarketers to canvass for new, first-time donors. Between 2012 and 2014, third-party telemarketers raised \$5,156,337 over the telephone on behalf of the SPLC. Tax records indicate that the telemarketers were actually paid \$5,750,295 for the services, resulting in a net loss of \$593,958. This means that not only did the telemarketers keep all of the money donated to the SPLC by first time donors, but they also received nearly \$600,000 sent in by existing donors who believed that they too were “fighting hate” with their donations.

One company in particular, Grassroots Campaigns, from Boston, has consistently received far more in fees than it has raised in donations. In 2015, Grassroots was paid more than \$2 million to raise only \$757,000, for a net loss of over \$1.3 million. Other telemarketers, such as Telefund and Harris Marketing, are allowed to keep substantial portions of every dollar they receive on behalf of the SPLC, with Telefund receiving 64% to 75% percent and Harris trimming up to 90% of the donations it receives. In short, all of the \$1,514,365 raised by the three telemarketers in 2015 stayed with the telemarketers as well as an additional \$969,474 taken from existing donor coffers (SPLC, *IRS Form 990*, 2016, p. 40).

Donors have a responsibility to ask questions before giving money, such as determining how much of their donation will actually reach the nonprofit in question. Most donors will not ask, believing that all of their donation is going toward doing good, or “fighting hate” as in the case of the SPLC. How many people are affected by such

practices? The SPLC paid their telemarketers \$2,483,839 in 2015. At the \$100 level, which seems high for first time donors, 24,839 well-meaning people were deceived by omission. At a more reasonable \$25 donation level, every dollar given by more than 99,000 new and existing SPLC donors went directly to the telemarketers without donors' knowledge. Even fewer donors realize that the SPLC has cash reserves on hand in excess of \$300 million.

Jacques Ellul on the Efficacy of Propaganda

A final word on how so much of the Southern Poverty Law Center's claims fit into modern propaganda models and why so many people, including well-educated professionals, are willing to accept the SPLC's claims without question. One of the most influential writers on the study of propaganda was the French sociologist and philosopher Jacques Ellul (1912-1994). Randal Marlin writes:

There is probably no other thinker who has thought as deeply about propaganda in all its dimensions and ramifications as Jacques Ellul. What sets him apart from other analysis is his rare if not unique combination of expertise in history, law, and political science, along with careful study of biblical and Marxist writings (Marlin, p. 23).

Ellul's seminal 1962 book, *Propagandes*, continues to influence propaganda analysis decades later. Translated into English as *Propaganda: the formation of men's attitudes*, Ellul's original French title alludes to a wide variety of propagandas constructed to serve different audiences. Propaganda, Ellul argues, can be used for ill or good, but is of itself neither good or bad. It simply exists as does any other manmade tool.

Without providing a benchmark definition of propaganda, Ellul accepts the Institute for Propaganda Analysis' "expression of opinion or action by individuals or groups deliberately designed to influence opinions or actions of other individuals or groups with reference to predetermined ends," as "elementary," but useful (Ellul, p. xi, IPA, p. 13). As such, many of Ellul's observations are instructive for analyzing the Southern Poverty Law Center's claims as works of propaganda.

Ellul contends that all propaganda is constructed to identify a perceived problem and to provide simplified solutions for that problem. Both the problem and the solution are comprised of half-truth, limited truth, and truth out of context:

Thus, information not only provides the basis for propaganda, but gives propaganda the means to operate; for information actually generates the problems that propaganda exploits and for which it pretends to offer solutions.

In fact, no propaganda can work until the moment when a set of facts has become a *problem* in the eyes of those who constitute public opinion. At the moment such problems begin to confront public opinion, propaganda on the part of a government, a party, or a man can begin to develop fully by magnifying that problem on the one hand and promising solutions for it on the other.

But propaganda cannot easily create a political or economic problem out of nothing. There must be some reason in reality. The problem need not actually exist, but there must be a reason why it *might* exist (p. 14, emphasizes original).

This paper has attempted to demonstrate the SPLC's use of selected facts and half-truths to identify an alleged social problem, in this case that of hate groups, and to magnify the perceived threat out of all logical proportion. Do neo-Nazi and Ku Klux Klan groups

exist in America today? Without question and beyond all doubt. Do they pose a serious threat to a population of 325 million people? According to FBI statistics, the number of people injured by alleged hate groups over the past decade can be counted in the single digits. According to the U.S. Centers for Disease Control and Prevention (CDC), in 2008 alone more than 234,000 adults and children were injured, many seriously, from falling in their own bathrooms (CDC, 2011). Clearly, the threat of alleged hate groups to the general public has been exaggerated by the SPLC. As previously noted, the organization's own Director of Intelligence, Mark Potok, has gone on record to say that "lone wolf" actors pose far more of a threat than any organized group (2008) and has publicly stated, "We are talking about a tiny number of Americans who are members of hate groups – I mean, infinitesimal" (Levinson, 1999).

Ellul explains why propaganda is often successful in the general public by exploiting people's fears and anxieties:

Propaganda cannot be gratuitous. The group must need something, and the propaganda must respond to that need. A frequent error on the part of the propagandist "pushing" something is the failure to take into account whether or not the propagandee needs it (p. 37).

The secret of propaganda success or failure is this: Has it or has it not satisfied the unconscious need of the individual whom it addressed? No propaganda can have an effect unless it is needed, though the need may not be expressed as such but remain unconscious (p. 136).

The SPLC's message of glittering generalities built around "fighting hate" and "seeking justice" arguably have a better chance of resonating among its carefully selected audience

of Progressive donors, who may be more predisposed to a desire to contribute to the solution of perceived social problems, especially through cash donations, than their generally more fiscally conservative counterparts:

Finally, the last condition for the development of propaganda is the prevalence of strong myths and ideologies in a society. At this point a few words are needed on the term *ideology*.

To begin with, we subscribe to Raymond Aron's statement that an ideology is any set of ideas accepted by individuals or peoples, without attention to their origin or value. But one must perhaps add, with Q. Wright, (1) an element of valuation (cherished ideas), (2) an element of actuality (ideas relating to the present), and (3) an element of belief (believed, rather than proved, ideas) (p. 116, emphasis original).

As Mark Potok has repeatedly stated, the SPLC's hate group designation has nothing to do with violence or criminality; "it's strictly ideological."

Here Ellul offers an explanation of why so many academics, journalists, and researchers, all highly educated people whose entire careers are arguably built firmly upon foundations of critical thinking and ethical reasoning, are so often so willing to unquestioningly accept the SPLC's data as factual and accurate:

Naturally, the educated man does not *believe* in propaganda; he shrugs and is convinced that propaganda has no effect on him. This is, in fact, one of his great weaknesses, and propagandists are well aware that in order to reach someone, one must first convince him that propaganda is ineffectual and not very clever.

Because he is convinced of his own superiority, the intellectual is much more vulnerable than anybody else to this maneuver, even though basically a high intelligence, a broad culture, a constant exercise of the critical faculties, and full and objective information are still the best weapons against propaganda (p. 111, emphasis original).

The SPLC's hate group information meets all of the basic requirements of classical propaganda: it relies on half-truths and selected facts to create a social problem where, logically, the threats are minimal to the public at large. It plays upon the fears and prejudices of a carefully targeted audience, using false logic and guilt-by-association gimmicks to create unsubstantiated "would-could-might" existential threats. Ultimately, the SPLC offers hope to that audience that, with their continued crucial financial support, someone is out there who will "fight hate" and "seek justice" on their behalf. The SPLC creates the need and fills the need for a wide spectrum of readers, including researchers, academics and law makers.

Conclusions

As mentioned previously, a case can be made that there are actually two Southern Poverty Law Centers. The first continues to practice the unglamorous but entirely necessary "poverty law" work for which the organization was founded. By challenging the status quo in many state institutions, the SPLC has done great service toward protecting and enforcing the civil rights of many who have no other recourse. One rarely reads of these cases in the media, but the work is important and is to be commended.

The other SPLC arguably describes a textbook example of "mission creep," a gradual, often imperceptible shift in objectives that lead an organization away from its

original goals. For the SPLC, the early successes against the Ku Klux Klan in the 1980s brought unprecedented fame and fortune, or “More money than we could spend,” as *Klanwatch* Editor Randall Williams noted. Such success can bring about a natural desire for more, but as the relatively small pool of violent racist groups diminished, Morris Dees was forced to expand his definition of “hate group” to include non-violent groups and to include individuals and organizations whose ideologies were diametrically opposed to those of many of the SPLC’s progressive donors.

From a rhetorical point of view, much of the information produced by the SPLC meets many of the most fundamental definitions of propaganda, described by Jowett (2012) as ‘attempts to move a recipient to a predetermined point of view by using simple images and slogans that truncate thought by plying prejudices and emotions’ (p. 6).

Jowett elaborates on this definition, noting that

Propaganda thus runs the gamut from truth to deceptions. It is, at the same time, always value and ideology laden. The means may vary from a very mild slanting of information to outright deception, but the ends are always predetermined to favor the propagandist (p. 26).

As with any such campaign, it is necessary to first dehumanize those people as “hate groups” and “far-right extremists,” or in Mark Potok’s words, “...just a bunch of sociopaths,” and to greatly exaggerate the threat they pose to society. Name calling is an ancient and highly successful rhetorical device, and in the case of this second SPLC, such fearmongering has proven to be highly lucrative. The greatest danger in this kind of vigilantism is that once a society allows a private, unregulated entity to arbitrarily designate “wrong thinkers,” it is only a matter of time before they come after you.

This paper has examined the claims made by the Southern Poverty Law Center, the hate group data and statistics the organization has produced over the past three decades, and the words and actions of its most visible actors, founder Morris Dees and Director of Intelligence Mark Potok. From the fundamental lack of a fixed, universal definition for “hate group,” to the incongruous interaction between Morris Dees and the Ku Klux Klan, as well as his inconsistent hiring and fundraising policies, to the numerous contradictory public statements made by Mark Potok, it is apparent that a demonstrable credibility gap exists between the SPLC’s carefully crafted reputation and the accuracy of its widely accepted claims.

External stakeholders have their own reasons for accepting the SPLC’s unvetted data. The media, academic researchers and publishers, and law enforcement all have vested interests in perpetuating SPLC claims, and to greater and lesser extents. Those interests may be financial, as SPLC reports will often draw an audience and may be used to justify budgetary requests, though personal bias is often an ancillary motive. Ultimately, the interests of all three stakeholders, as well as that of the Southern Poverty Law Center, which generates tens of millions of dollars in donations each year, based largely on a fundraising program built squarely around its unsubstantiated hate group statistics, overlap, forming a self-feeding, self-perpetuating cycle to the benefit of all players.

At best, SPLC hate group data is unsubstantiated and clearly biased. At worst, the numbers are fabricated as part of a larger fundraising program that is based largely on fearmongering. As Mark Potok noted, the SPLC routinely “finds the 200 Nazis running around,” exaggerates the threat posed, if any, and “makes money off of it.” The ethical

challenges posed by the SPLC's internal policies, such as claiming to be a civil rights organization but never hiring minorities to highly paid positions of authority, or by suggesting that the organization is in dire need of donations while it retains hundreds of millions of dollars in unrestricted funds, is also of great concern. Such direct mail persuasion gimmicks as the Wall of Tolerance and legal-but-dubious accounting practices, such as claiming "joint costs" to lower the apparent percentage of money spent on fundraising, or the use of telemarketers at the expense of tens of thousands of unsuspecting donors each year, all call the integrity of the SPLC into question.

Last, the sheer amount of money involved, from the tens of millions for the SPLC and related think tanks to the hundreds of millions, if not billions of dollars in funding for the Department of Homeland Security, must be recognized as a significant possible influence on ignoring the accuracy of SPLC data. Professional researchers such as Chermak and Freilich are prepared to perform a complete about-face on their criticisms of SPLC data when there are millions of DHS dollars at stake. The information is still unreliable, they note, but at least it is consistent.

Hate has always been and may always be part of the human condition. There is no denying that some people harbor racist, sexist and xenophobic attitudes and may be drawn to like-minded people in the same way as anyone else. Hate is largely based on fear, ignorance, and inequality. As with any highly emotional issue, there will always be those who will seek to exploit those feelings for gain. The "Hate Industry" Laird Wilcox wrote of is larger than ever and the Southern Poverty Law Center continues to play a major role in that industry. The organization's hate group data are unverified, inconsistent, inaccurate and demonstrably biased. The data shows all of the hallmarks of

classic propaganda and the uses to which they have been put by some recall the darkest days of McCarthyism.

As Jacques Ellul wrote, propagandists must create a need in the minds of their audience, feed it through half-truths and fearmongering, and ultimately supply a simple solution, if not to the problem itself, (which would put the propagandists out of business), then to the audiences' question of "What can I do to help?" SPLC donors can "fight hate" and "seek justice" by simply writing a check. The SPLC even provides a self-addressed, postage-paid envelope. One could argue that the donors are being swindled, but from Ellul's viewpoint, they are getting precisely what they paid for and feel they are getting good value for the dollar.

And as Ellul posited, propaganda often works most effectively on those who arguably have the best tools with which to detect it. Propaganda, by design, circumvents logic and targets emotion. If any other advocacy group, such as the National Rifle Association, were to produce the exact same claims as the SPLC, word-for-word, it would be met with skepticism, at the very least, by the media, academia, and law makers. Marketing master, Morris Dees, has honed his organization's reputation over the past forty-five years, creating a singularly successful brand name in the process, noting that

We run our business like a business. Whether you're selling cakes or causes, it's all the same thing, the same basic process—just good, sound business practices (Egerton, p. 15).

Unreliable information such as that produced by the Southern Poverty Law Center and other advocacy groups invariably taints research that is based largely upon it, and calls into question the ethical characters of those who produce and propagate it. Not only does

this flawed data lead to flawed research, that flawed research poses very real threats to American civil liberties. Laird Wilcox notes

The SPLC has managed to engage police and government agencies to assist them, interfacing informational resources about personal circumstances, vulnerability, and any opportunities for prosecution. They have even counseled the military in stigmatization and defamation procedures. The rules and procedures that still pertain to law enforcement and criminal justice agencies don't apply to the SPLC because they're private, unsupervised, and unaccountable to anyone.

Americans really need to ask themselves if they are willing to tolerate this kind of operation in a free society. Even if you agree with their stated goals, remember that sooner or later they might start looking at you or someone you love. Don't imagine they can be contained by good will alone. What the Southern Poverty Law Center can get away with, eventually others can too (Wilcox, 2010).

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